THE

# ACTS AND RESOLVES,

PUBLIC AND PRIVATE,

OF THE

# PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED

## THE CHARTERS OF THE PROVINCE.

WITH

HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT OF THE COMMONWEALTH FOR THE YEAR 1867.

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BEING VOLUME X. OF THE APPENDIX.

CONTAINING

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# RESOLVES, ORDERS, VOTES, ETC.

## Passed 1753–54.

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# LEGISLATIVE LIST[1]

FOR

# 1753–54.

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THE HONORABLE SPENCER PHIPS, ESQ., LIEUT. GOVERNOR, [*until August 7, 1753*],

CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, ETC.

HIS EXCELLENCY WILLIAM SHIRLEY,

CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF, [*from August 7, 1753*].

JOSIAH WILLARD, ESQ.,

SECRETARY OF THE PROVINCE.

---

## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

JOHN OSBORNE
FRANCIS FOXCROFT
JOSIAH WILLARD
JACOB WENDELL
BENJAMIN LYNDE
DANIEL RUSSELL
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*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

JOHN CUSHING
GEORGE LEONARD
} ESQRS.

SYLVANUS BOURN
JOHN OTIS
} ESQRS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Main;*

SIR WILLIAM PEPPEREL, BARONET, JOHN HILL & JABEZ FOX, ESQRS.

[1] See Legislative Records of the Council, xx., 31–34.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN WHEELWRIGHT, ESQ.

*For the Province, at large:* —

JAMES MINOT & BENJAMIN LINCOLN, ESQRS.

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## REPRESENTATIVES OR DEPUTIES.

*May 30, 1753 to April 23, 1754.*

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*Concord*, . . Mr. Ephraim Jones.
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*Billerica*, . . Capt. Enoch Kidder.
*Framingham*, . Joseph Buckminster, Esq.
*Lexington*, . . Capt. Benjamin Read.
*Chelmsford*, . Capt. Ephraim Spaulding.
*Sherburne*, . . Isaac Coolidge, Esq.
*Malden*, . . . Joses Bucknam, Esq.
*Weston*, . . . Mr. Elisha Jones.
*Waltham*, . . Samuel Livermore, Esq.
*Medford*, . . Mr. Stephen Hall.
*Littleton*, . . Mr. Nathaniel Russell.
*Holliston*, . . Mr. Ebenezer Littlefield.

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*Northampton*, . Mr. Gideon Lyman.
*Hadley*, . . . Eleazer Porter, Esq.
*Hatfield*, . . Oliver Patridge, Esq.
*Deerfield*, . . Elijah Williams, Esq.
*Westfield*, . . David Moosley, Esq.
*Brimfield*, . . John Sherman, Esq.
*Sheffield*, . . John Ashley, Esq.

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*Lancaster*, . . Joseph Wilder, Jr., Esq.

County of Worcester — *Concluded.*

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*Leicester*, . . Thomas Steel, Esq.
*Rutland*, . . Mr. John Murray.
*Lunenburgh*, . Mr. William Downe.
*Shrewsbury*, . Mr. Phineas Haywood.
*Oxford*, . . . Mr. Duncan Campbell.
*Sutton*, . . . Mr. Daniel Greenwod.
*Southborough*, Capt. Timothy Bridgham.
*Harvard*, . . Capt. John Whitney.
*Bolton*, . . . Mr. John Whetcomb.
*Sturbridge*, . Capt. Moses Marcy.
*Uxbridge*, . . Mr. Josiah Taft.
*Mendon*, . . Capt. Nathan Tyler.

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*Duxbury*, . . Gamaliel Bradford, Esq.
*Marshfield*, . . John Winslow, Esq.
*Bridgwater*, . Capt. Josiah Edson.
*Pembrook*, . . Mr. Israel Turner.
*Plympton*, . . Mr. Israel Bonny.
*Middleborough*, Capt. Nathaniel Smith.
*Hanover*, . . David Stockbridge, Esq.
*Abington*, . . Mr. Jacob Porter.
*Kingston*, . . Mr. Benjamin Sampson.

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*Sandwich*, . . Roland Cotton, Esq.
*Eastham*, . . John Freeman, Esq.

County of Bristol.

*Taunton*, . . Samuel White, Esq., Capt. Thomas Cobb.
*Rehoboth*, . . Mr. Israel Nicholls.
*Dartmouth*, . . Capt. Nathaniel Sole.
*Dighton*, . . Ezra Richmond, Esq.
*Attleborough*, . Mr. Benjamin Day.
*Swanzey*, . . Mr. William Slade.

County of York.

*York*, . . . . Mr. John Bradbury.
*Kittery*, . . . Nathaniel Sparhawk, Esq.
*Berwick*, . . . Mr. William Gerrish.
*Wells*, . . . Mr. Nathaniel Wells.
*Falmouth*, . . Jedediah Prebble, Esq.
*Scarborough*, . Edward Milliken, Esq.

In the County of Nantucket.

*Sherburne*, . . Mr. Abishai Folger.

# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE THIRTIETH DAY OF MAY, A.D. 1753.

## CHAPTER 1.

ORDER FOR A TOWN MEETING IN BERKLEY.

A PETITION of the Select Men of the Town of Berkley in the County of Bristol shewing that the Inhabitants of the said Town in their last March Meeting by their Mistakes & Mismanagements miss'd the Benefit of making a Regular Choice of Town Officers for this present Year, Praying that this Court would grant them a further Meeting for the Election of their Town Officers.

[Read &]

*Ordered* that Mr Abel Burt & Mr Georg[e][1] Caswell Two of the Select men of the Town of Berkley for the year 1752. be and they are hereby Directed & impowered to issue their Warrant to the Constable of Said Town for the year 1752. to Call a meeting as soon as may be to make Choice of the Several Town officers for the year Current which Should have been Chose in the month of March Last. and the Said Town Officers when Chosen shall be as much obliged (to all intents & purposes) to Serve in the said Offices to which they shall be respectively Chosen as thô they had been Chosen in March Last. [*Passed June 5.*

Legislative Records of the Council, xx., 36. Mass. Archives, cxvi., 377.

Mass. Archives, cxvi., 376. House Journal, pp. 12, 15.

## CHAPTER 2.

ORDER DECLARING AN EXECUTION AGAINST EPHRAIM GATES NULL & VOID AND DIRECTING THE ISSUANCE OF A NEW EXECUTION.

ON THE PETITION of Ephraim Gates, [Province Laws, xiv., 706, chap. 187]

In Council. The foregoing Petition was read, together with the Answer of Josiah Gibbs, and it appearing to this Board that the Respondent has conceeded that he has receiv'd to the amount of Eight Pounds five Shillings & four Pence of the Sum mentioned in the Execution, and that there is a Mistake in Computing the said Debt (as set forth by the Petitioner) Amounting to £5.12 which several Summs, (with one Shillings & four Pence for the Execution) being deducted out of the Sums mentioned in ye Judgment of Court there remains due the Sum of Sixty nine Pounds eleven Shillings only including the Costs: Wherefore

*Order'd* that the Execution aforesaid be, & the same is hereby

Legislative Records of the Council, xx., 37. Mass. Archives, xliii., 662.

Mass. Archives, xliii., 652-664. House Journal, p. 16. Province Laws, xiv., 706, chap. 187.

[1] MS. mutilated.

superseded & declared Void; and the Clerk of the Seperiour Court is hereby authorized & Directed to issue Execution for the Sum of Sixty nine Pounds eleven Shillings only in Discharge of the Debt mentioned, and of the Costs.

In the House of Repᵘᵉˢ
Read and Concur d. [*Passed June 6.*

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# CHAPTER 3.

## ORDER GRANTING A TOWNSHIP TO GERMAN PROTESTᴺᵀˢ.

Legislative Records of the Council, xx., 37.

Mass. Archives, xvᵃ., 222. Legislative Records of the Council, xix., 62, 192. House Journal, pp. 11, 16, 17. Province Laws, iii., 559, note; xiv., 353, chap. 223.

A MEMORIAL of Jacob Hatterick & others German Protestants, shewing that by Encouragement offered by this Government, they have been induced to transport themselves & Families into this Province to settle upon such Lands as shall be allotted to them, Praying for the Direction of this Government; and that they may be allowed to settle in the Western Parts of the Province.

In the House of Representatives; Read & it appearing that in the Year 1749. this Court granted Four Townships in order to encourage Foreign Protestants to come & settle in this Government, and granted a Farm of Land in each of said Townships to Mʳ Joseph Crellius, in Case he caused to be settled in each of said Townships One hundred & twenty Families by the Time limited in said Grants; But it appearing also that the said Mʳ Crellius has failed of bringing forward said Settlements; and that the Poor Petitioners are left without any Aid, Therefore

*Voted* that Colº Patridge & Colº Worthington with such as the Honᵇˡᵉ Board shall join be a Committee to lay out Thirty one House Lots not exceeding ten Acres each contiguous to each other in the German Township so called at Fort Massachusetts; and also so much of the Intervail Lands in said Township to each of said House Lots as shall make up an 123ʳᵈ part thereof, considered with relation to Quantity & Quality; and that the Petitioners have Liberty to settle upon & improve said Lands, agreeable to the original Grant of the Court, and further that said Committee lay out in said Township, Forty eight House Lots more, not exceeding Ten Acres each, one for the first Protestant Minister, one for the Ministry & one for the School, and also to divide the remainder of the Intervail Lands, into forty eight equal Shares or Rights considered as aforesaid with Relation to Quantity & Quality; One of which shall be for the first settled Minister, and one for the Ministry & one for the School: And in as much as the Petitioners have signified their Desires that some English Families may be admitted as Settlers with them, on the same Lands; that Therefore the said Committee admitt Forty five Settlers in addition to the Petitioners, each of which Forty five Settlers shall pay to the Said Committee for the Use of the Government, the Sum of Six Pounds thirteen shillings & four pence & give Bond in the Sum of Fifty Pounds to said Committee to perform the like Conditions of Settlement from this Time forward as were enjoined in the Original Grant of the Township; and that in all After Divisions of Land in the said Town the Petitioners shall each of them have an 123ʳᵈ part thereof; And the Remainder of the Township shall be divided to and among the other admitted Settlers with the publick Rights aforementioned, each an equal Part; And that the Original Grant made in said Township to Mʳ Joseph Crellius is hereby

declared Void, & forfieted to the Government he not having complied with the Conditions thereof the aforesaid Committee to be accountable.

In Council; Read & Concur'd; And John Chandler Esq[r] is joined in the Affair. [*Passed June 7.*[1]

## CHAPTER 4.

ORDER ALLOWING THE ACCOMPT OF THE TREAS[R] OF YORK COUNTY.

Legislative Records of the Council, xx., 40. Mass. Archives, ccxlviii., 55.

An Accompt presented by Jeremiah Moulton Esq[r] Treasurer of the County of York for the Year 1752, Having been by him laid before the Court of General Sessions of the Peace for the said County, & by them allowed,

Mass. Archives, ccxlviii., 55. House Journal, pp. 8, 15.

Read and

*Ordered* that the within Acc[t] be allowed and the Ballance thereof being One pound seventeen shill[gs] and seven pence The Said Treasurer is further Accountable to said County for. [*Passed June 7.*

## CHAPTER 5.

ORDER ALLOWING THE ACCO[T] OF THE TREAS[R] OF WORCESTER COUNTY.

Legislative Records of the Council, xx., 40. Mass. Archives, ccxlviii., 57.

An Accompt presented by M[r] Daniel Haywood, Treasurer of the County of Worcester for the Year 1752, Having been by him presented to the Court of General Sessions of the Peace for the said County, & by them allowed.

House Journal, pp. 8, 20.

Read and it appearing that the Payments by the within named Treasurer made including his own Commissions amount to Ninety one pounds thirteen Shillings and one penny Which with the Sum of £6.13.5[d] outstanding of the Town of Woodstock's Tax for the Year 1752 Ballances the within Acc[t] Which Sum of £6.13.5[d] the Said Treasurer is further accountable to said County for, as also for the Sum of £21.19.4 new tenor Bills out standing of of[2] said Town of Woodstock's Taxes for the Years 1748 and 1749. As also the sum of £3.15.8[d] lawful money laid on said Tow[n][3] in 1750 and £6.13.5[d] in the Year 1751 each and every of which Sum and Sums laid on the said Town of Woodstock as aforesaid the said Treasurer is to be further accountable for as He shall recieve the Same. [*Passed June 7.*

## CHAPTER 6.

ORDER ALLOWING THE ACCO[T] OF THE TREASURER OF MIDDLESEX COUNTY.

Legislative Records of the Council, xx., 40.

An Accompt presented by Daniel Russell Esq[r] Treasurer of the County of Middlesex for the Year 1752, having been by him pre-

[1] This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is June 6.

[2] *Sic.*

[3] MS. mutilated.

House Journal, pp. 8, 22.

sented to the Court of General Sessions of the Peace for the said County & by them allowed.

Read &

*Ordered* that the within Acco$^{t}$ be allowed; and that the Ballance thereof, being Eighty four Pounds nine shillings & seven pence the said Treasurer is further accountable for. [*Passed June 7.*

## CHAPTER 7.

ORDER SETTING OFF DIVERS FAMILIES AND THEIR ESTATES FROM GROTON TO DUNSTABLE AND DIRECTING THE PAYMENT OF TAXES.

Legislative Records of the Council, xx., 20. Mass. Archives, cxvi., 345.

Mass. Archives, cxvi., 341-345. Legislative Records of the Council, xx., 40. House Journal, p. 21.

A PETITION of Ebenezer Sherwin & others a Committee for the Inhabitants of Dunstable within this Province, setting forth the State of their Case in relation to that part of Groton, contiguous to Dunstable, which is commonly called Joint Grass; and Praying that the same may be annexed to & incorporated with the Inhab$^{ts}$ of Dunstable;

Read together with the Answer of the Inhabitants of that part of Groton commonly called Joint Grass And Likewise William Lawarance Esq$^{r}$ being heard in behalf of the Town of Groton and the Matter being fully Considered

*Ordered* that the Prayer of the Petition be so far Granted as that Joseph Fletcher, Joseph Spaulding, Samuel Comings, Benjamin Robbens, Timothy Read, John Swallow, Joseph Parkhurst & Ebenezer Parkhurst Jun$^{r}$ with their Families and Estates and other Land Petitioned for be set off, from the Town of Groton and Annexed to the Town of Dunstable agreeable to the Vote of the Town of Groton on the eighteenth of May 1747 to receive Priviledge and do Duty there Provided that Timothy Read Constable for the Town of Groton and Collector of the first Parish in said Town the last Year and Joseph Fletcher Constable for the said Town this present Year finish their Collection of the Taxes Committed or to be Committed to them respectively And also that the said Inhabitants pay their Proportion of the Taxes that are already due or shall be due to the said Town of Groton for the present Year for which they may be taxed by the Assessors of Groton as thô this Order had not past Provided also that the Meeting House for the Publick Worship of God in Dunstable be Erected agreeable to the Vote of Dunstable relating thereto in May AD 1753. [*Passed June 7.*

## CHAPTER 8.

ORDER PLACING CAPT. JN$^{O}$ LANE AS A SUPERNUMERARY AT THE BLOCK HOUSE ON SACO RIVER.

Legislative Records of the Council, xx., 41. Mass. Archives, lxxiv., 102.

Mass. Archives, lxxiv., 101.

A PETITION of Capt John Lane of York setting forth his great Sufferings by Wounds received at the Seige of Louisbourg, and a long languishing Illness following thereupon, by which he is disabled from making any Provision for the Support of himself & Family, Praying the Compassionate Consideration of this Court for his Relief, as they shall in their Wisdom judge most proper.

Read and
*Ordered* that the Petr be placed as a Supernumerary at the Block House on Saco river on private Centinel's pay and subsistance (if the Commander in Chief sees cause) till otherways provided for. [*Passed June 7.*

House Journal, pp. 9, 20.

## CHAPTER 9.

ORDER IMPOWERING EPHRM SARTWELL, GUARDIAN, TO SELL REAL ESTATE.

A Petition of Ephraim Sartwell Guardian of Nathan Farnsworth of Groton a Person Non Compos, shewing that the income of his Estate is not sufficient for his Support. Praying for Liberty to sell his real Estate, consisting of one End of an old dwelling House & about nine Acres of Land,

Legislative Records of the Council, xx., 41. Mass. Archives, xviii., 950.

Read and
*Ordered* that the Prayer of this Petn be so far granted as that the within named Ephraim in his Capacity be and hereby is Impowered to make Sale of the real Estate herein mentioned for the most the same will fetch and to Execute in due form of Law a good Deed or Deeds of the Same He observing the directions of the Law respecting the sale of real Estates. And out of the proceeds of said Sale to pay the Just Debts now due from the within named Nathan And that the overpluss arising by said Sale (if any there be) to be applyed for the support of the said Nathan. And that the said Ephraim give Caution to the Judge of Probate for the County of Middlesex, that the same shall be applyed accordingly, and that the remainder of said Estate (if any there be) after the Death of the said Nathan shall be divided among the Lawful Heirs of the said Nathan agreable to Law. [*Passed June 7.*

Mass. Archives, xviii., 948. House Journal, pp. 19, 21. Province Laws, ii., 151, chap. 10.

## CHAPTER 10.

ORDER SETTING OFF THEODORE MAN AND HIS ESTATE FROM THE TOWN OF STOUGHTON TO WALPOLE.

A Petition of Theodore Man of Stoughton, setting forth his great Distance from the Place of publick Worship in said Town, & the badness of the Way to it, Praying that he, his Estate & Family may be sett off & annexed to Walpole,

Legislative Records of the Council, xx., 3. Mass. Archives, cxvi., 348.

Read & it appearing that the Town of Stoughton has been duly Served with a Copy of this Petition and that they Voted no Answer should be given thereto; Therefore
*Ordered* that the Prayer of the Petition be granted, and the Petitioner with His Estate is hereby sett off from the Town of Stoughton and annexed to the Town of Walpole, there to do Duty and enjoy Priviledge Provided the Petr first pay his proportion of all Taxes that are already laid upon Said Town of Stoughton. [*Passed June 8.*

Mass. Archives, cxvi., 346. Legislative Records of the Council, xx., 43. House Journal, p. 131 (March, 1753); p. 28.

## CHAPTER 11.

ORDER DISCHARGING EZRA HARWOOD FROM GOAL.

Legislative Records of the Council, xx., 45. Mass. Archives, cv., 426.

Mass. Archives, cv., 425. House Journal, pp. 21, 27.

A PETITION of Ezra Harwood of Danvers in the County of Essex, shewing that he became bound over to the Court of General Sessions of the Peace for said County, to answer a Charge of being the Father of a Bastard Child, begotten on the Body of one Desire Very of said Place, that his Bonds were put in Suit & declared forfieted & he Imprisoned; But foras much as he has satisfied the said Desire & indemnified the District of Danvers from the Maintenance of the said Child, Praying that he may be discharged from the Penalty of his Bond,

Read and

*Ordered* that the Prayer of the Pet^n^ be granted and that the Pet^r^ be discharged from the Goal in Salem, He first paying Court Charges, and the Officers and Prison Fees. [*Passed June 8.*

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## CHAPTER 12.

ORDER IMPOWERING NATH^L^ OSGOOD & ELIPHALET PARKER TO RECEIVE AND PASS DEEDS.

Legislative Records of the Council, xx., 45. Mass. Archives, xviii., 963.

Mass. Archives, xviii., 961. House Journal, pp. 22, 27.

A PETITION of Nathaniel Osgood of Salem & Eliphalet Parker of Boston, in behalf of the Heirs of John Buttolph of Boston Glover dec^d^ Praying that they may be impowered to make an Agreement with the Proprietors of Lancaster New Grant, with respect to a Parcell of Land, containing about One hundred & four Acres, purchased by the said John Buttolph of one John Adams,

[Read and]

*Voted* that the Prayer of this Pet^tn^ be granted, and that the Pet^r^'s be impowered to recieve and pass proper Deeds for the purposes within mentioned accordingly. [*Passed June 8.*

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## CHAPTER 13.

Legislative Records of the Council, xx., 45. Mass. Archives, xxxii., 358.

Mass. Archives, xxxii., 357. House Journal, pp. 15, 16, 27. Province Laws, xiv., 39, note.

ORDER ALLOWING THE ACCO^T^ OF THE TRUSTEES OF HASANIMISCO INDIANS.

AN ACCOMPT presented by John Chandler & Edward Baker Esq^rs^ Trustees for Hassanimisco Indians, of Receipts & Disbursments for the said Indians, from June 1752, to May 1753,

Read and

*Ordered* that the within Acc^t^ be allowed. And that the Ball^a^ thereof being one pound fifteen shillings and Nine pence three farthings due to the Indians the within named Trustees are further accountable for. [*Passed June 8.*

## CHAPTER 14.

ORDER IMPOWERING THE GUARDIANS OF ISAAC BARKER TO SELL REAL ESTATE.

A Petition of Elisabeth Barker Wife of Isaac Barker of Pembroke (a Person Non Compos) with others, Children of the said Isaac Barker; shewing that there is no Prospect of his Return to the exercise of his Reason, and therefore praying that his Estate may be settled upon his Wife & Children as the Law directs respecting Persons deceased, Intestate, His Comfortable Support to be provided for out of his Estate.

Legislative Records of the Council, xx., 15. Mass. Archives, xviii., 958.

Read and

*Ordered* that this Pet$^{n}$ be Revived And that the Guardians of the said Isaac Barker make Sale of so Much of said Isaacs Real Estate as may be Sufficient for the Payment of his just Debts, as they shall be Examined and allowed by the Judge of Probate for the County of Plymouth and they are hereby fully Authorized and impowered to give a good and Sufficient Deed or Deeds for the Same, first giving publick Notice, agreeable to the Laws of this Province relating to the sale of Lands; And the remainder of the Real Estate, the Judge of Probate of Wills &c within said County of Plimouth is hereby authorized and impowered by five sufficient Freeholders under oath to divide equally to and among said Isaac's Children, Saving to the Eldest Son a double Portion, and to confirm such Division, and said Division so Confirmed by said Judge shall be as good & valid and have the same Effect and Operation in Law after the Death of the said Isaac as it would have had if the said Isaac was really deceased at the time of making such Division; Saving that if the said Isaac should be restored to his Reason and be capable of disposing of his Estate, the said Division sh[1] be no Barr or any manner of Impediment to his Acting upon said Estate, and disposing of the Same as he should judge Proper, Also saving to Elizabeth Wife to said Isaac one third part of the Income of the same in Its present Condition, if she should be a Widdow, And also saving to the Guardians, of the said Isaac, the Income of said Estate or so much thereof as the said Judge shall think Necessary for the Support of the said Isaac and his Family during the time of his being non Compos. [*Passed June 11.*

Mass. Archives, xviii., 952–960. Legislative Records of the Council, xx., 47. House Journal, pp. 149, 150 (April, 1753); p. 34. Province Laws, ii., 150, chap. 10.

## CHAPTER 15.

VOTE CALLING A MEETING OF THE PROPRIETORS OF LOTS IN PONTOOSUCK TOWNSHIP.

A Petition of the Proprietors of the House Lots in the Township on Housatanuck River, commonly called Pontoosuck, setting forth the Difficulties they are under in bringing forward their Settlements, Praying for such Assistance & Directions from this Court as may be necessary for that End.

Legislative Records of the Council, xx., 47.

Read &

*Voted* that Joseph Dwight Esq$^{r}$ issue his Warrant for calling a

Mass. Archives, cxvi., 370–372. House Journal, p. 33. Province

[1] MS. mutilated.

Laws, iii., 265, chap. 19; xiv., 705, chap. 184.

Meeting of the Proprietors of the House Lots in the Township of Pontoosuck, so called, on Housatanuck River, directed to one of the Principal Proprietors of said Lots, requiring him to set up a Notification in some publick Place in said Township, setting forth the Time, Place & Occasion of such Meeting, twenty Days before hand, which Meeting shall be holden in said Township; and such of said Proprietors as shall be present at said Meeting, are hereby authorized & impowered by a major Vote, to grant Moneys for building a Meeting House, which Meeting House shall be set upon the Land reserved for that Purpose near the middle of the Township, as also for the Settlement & Support of a Minister, and building of Bridges and repairing of High Ways; and are also impowered to make an Exchange of part of the School Lot for part of the Mill Lot, with the Proprietor of the Mill Lot, in Order for the accomodating of the Mills, and are hereby further impowered to chuse Clerks, Assessors, Collectors & Treasurers for said Proprietors, which Officers shall be under Oath for the faithful Discharge of their respective Trusts, and are hereby vested with the like Powers as such Officers in New Townships are by Law vested with; and are also impowered to chuse Committees to manage their publick Affairs, who shall be accountable to said Proprietors from Time to Time, and that all Rates & Taxes that may be raised for the Purposes beforementioned, shall be laid upon the Sixty House Lots, laid out in said Township, each an equal Part, exclusive of the Minister, Ministry & School Lots; and that the Payment of said Taxes may be enforced from time to time, agreeable to the Directions in an Act, made in the Nineteenth Year of the Reign of George the Second, Chapter 8. And that said Proprietors at said Meeting, may agree upon a Method of calling Meetings of said Proprietors for the future, untill the further Order of this Court; Provided Nothing contained in this Order shall supercede, the Order of this Court in April Last, respecting taking Possession of all forfieted Grants after the Time limited in said Order. [*Passed June 11.*

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## CHAPTER 16.

### ORDER CONFIRMING THE PROCEEDINGS AT A TOWN MEETING IN SUNDERLAND AND CALLING A NEW MEETING.

Legislative Records of the Council, xx., 48.

Mass. Archives, cxvi., 397–399. House Journal, p. 19. Province Laws, iii., 430, chap. 15.

A PETITION of Samuel Montague & others, Inhabitants of the Town of Sunderland, shewing that through Forgetfulness the Officers of the said Town for the Year 1752, omitted taking the Oath enjoined by Law, respecting the Bills of Credit of the Neighbouring Governments which has occasioned great Inconveniences in their Town Affairs; Praying for Relief from this Court;

Whereas there are sundry Disputes arisen in the Town of Sunderland, relating to the several Town Officers that were chosen in said Town for the Year 1752, They having omitted to take the Oath required by the Act made in the twenty second Year of his present Majesty's Reign, entitled an Act for drawing in the Bills of Credit &c, Therefore

*Ordered* that the said Town Officers chosen for the Town of Sunderland for the Year One Thousand seven hundred & fifty two, upon their taking the Oath aforesaid, be & hereby are confirmed in their respective Offices, to which they were chosen, and that the several

Transactions & Proceedings of the Inhabitants of said Town at the General Town Meetings the Year Past, (that are in every other Respect agreeable to Law), shall be deemed good & valid to all Intents & Purposes; The Omission aforesaid notwithstanding; And further

*Ordered* that the Select Men of the said Town of Sunderland for the Year 1752, be directed & impowered to issue their Warrant directed to the Constable of the said Town for the Year 1752, to call a Meeting of said Town as soon as may be, to make Choice of the several Town Officers for the Year Current, which should have been chosen in the Month of March last; and the said Town Officers when chosen shall be as much obliged (to all Intents & Purposes,) to serve in the said Offices, to which they shall be respectively chosen, as if they had been chosen in the Month of March last. [*Passed June 11.*

## CHAPTER 17.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ABRAHAM DAVIS TO SET ASIDE A JUDGMENT.

A Petition of Abraham Davis of Glocester in the County of Essex, shewing that in a Cause depending at the Superiour Court for the said County between Mary Greenleaf, Administratrix of the Estate of Joseph Greenleaf of Newbury Dec$^{d}$ & the Petitioner, Judgment founded on the Report of Referees was against him, and forasmuch as one of the Referees was personally interested in the said Judgment, Praying that it may be set aside, & he have Relief from this Court.

Legislative Records of the Council, xx., 49. Mass. Archives, xliii., 730.

Mass. Archives, xliii., 729. House Journal, p. 36.

Read &

*Ordered* that the Petitioner Serve the Adverse Party Mary Greenleaf with a Copy of this Petition that she shew Cause if any she hath on the first Tuesday of the next Sitting of this Court why the Prayer of the Petition should not be granted & that Execution be Stayed in the mean time Provided the Petition$^{r}$ give sufficient Security to the Sheriff of the County [of][1] Essex to Pay w$^{t}$ now is or may finally be judged due. [*Passed June 12.*

## CHAPTER 18.

ORDER ALLOWING THE ACCO$^{T}$ OF THE TREAS$^{R}$ OF BARNSTABLE COUNTY.

An Accompt presented by M$^{r}$ Jonathan Bacon Treasurer of the County of Barnstable for the Year 1752, Having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed,

Legislative Records of the Council, xx., 49.

House Journal, pp. 8, 34, 35.

Read &

*Ordered* that the within Accompt be allowed, and the Ballance thereof being Fourteen Pounds eighteen shillings & six pence ¾ the within named Treasurer is further accountable to said County for. [*Passed June 12.*

[1] Inserted from Legislative Records of the Council, xx., 49.

## CHAPTER 19.

ORDER ALLOWING £3 ANNUALLY TO WILL^M RUTTER.

Legislative Records of the Council, xx., 50. Mass. Archives, lxxiv., 104.

A PETITION of William Rutter of Mendon, Praying some further Allowance from this Court in Consideration of the Wounds he received from the Indian Enemy while in the Service of this Province, whereby he is now greatly disabled,

Read and

Mass. Archives, lxxiv., 104. House Journal, pp. 26, 35. Province Laws, x., 387, chap. 309.

*Ordered* that the Pet^r be annually allowed and paid out of the publick Treasury the Sum of three pounds as a Pension in Consideration of his Services and Sufferings within mentioned. [*Passed June 12.*

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## CHAPTER 20.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON THE LETTERS FROM THE NEW YORK GOVERNM^T AND THE PROVINCE LANDS WEST OF SHEFFIELD, &c.

Legislative Records of the Council, xx., 52. Mass. Archives, iv., 385.

THE COMMITTEE appointed the 9^th^ of June Currant to take under Consideration the Report of a Committee directed to repair to the Lands lying within this Province, West of Sheffield &c^a^ and also to take under Consideration the Papers received from the Governour of New York, have attended that Service, so far as relates to said Papers & report as follows,

Mass. Archives, iv., 379–385. Legislative Records of the Council, xix., 488, 512, 518, 519; xx., 46. House Journal, p. 43 (November, 1752); pp. 10, 31, 35^a^, 38. Province Laws, xiv., 725, chap. 241.

That it appears by said Papers, that the Proposal made by this Court to the Government of New York, of appointing Commissioners to settle the Line between the Two Provinces, has been rejected: That there does not appear by any Evidence whatsoever; to have been any Ancient Jurisdiction exercised, nor any ancient Grants made, by any States or Powers in Europe, nor any ancient Possession in any other than this Government of any of the Lands now held or claimed by this Province: That the Right of this Province appears to be founded upon Grants as ancient as the Year 1620, & their Possession & actual Improvement of a considerable Part of the Lands to the Westward of Connecticut River is of more than One hundred Years Standing, and must have been known to every Government on the Continent, and therefore it is surprizing that the Government of New York, now seem to be unacquainted with it: That therefore it can by no Means be adviseable for this Government now to suspend the Exercise of their Jurisdiction, but on the Contrary it behoves them to go on in setling the Lands, and regulating and governing the Inhabitants, according to the Right given them by Charter.

The Committee desire Leave to sit again, to consider the Report of the above mentioned Committee &c^a^

JACOB WENDELL by Order,

Read & Accepted, and

*Voted* that the Committee sit again & make further Report on the Affairs refer'd to them. [*Passed June 12.*[1]

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 13.

## CHAPTER 21.

ORDER GRANTING A LOAN OF £468 TO RICHARD HAZZEN.

A Petition of Richard Hazzen, shewing that in setling the Line between this Province & the Province of New Hampshire, one third part of the Town of Haverhill fell within that Province, Whereupon the Ancient Proprietors who held their Lands by Virtue of Grants from this Government, were pursued in the Law by Persons claiming the said Lands by new Titles under the Government of New Hampshire, That the Petitioner has assisted the People thus injuriously molested, with his Advice & Time, and by defending their Cause in the Courts of said Province, without receiving any Fees from them, and so much to His Loss that he has been obliged to mortgage his Estate for near Thirty five hundred Pounds Old Tenor, Therefore Praying for the Gift or Loan of so much Money as will discharge the Mortgage aforesaid.

Legislative Records of the Council, xx., 51. Mass. Archives, vi., 121.

Read and

*Ordered* that the Prayer of the Pet$^{n}$ be so far granted as that the Pet$^{r}$ recieve out of the publick Treasury the Sum of four hundred Sixty Eight pounds upon Loan free of Interest for the term of five Years. He first giving Bond with sufficient Sureties for the repayment of said Sum at the expiration of the time abovementioned. [*Passed June 13.*

Mass. Archives, vi., 119. House Journal, pp. 12, 26, 39. Province Laws, xiv., 321, chap. 151.

## CHAPTER 22.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON LETTERS IN REGARD TO EASTERN INDIANS.

The Committee to whom was referr'd the Consideration of the Letters His Honour had received from Capt William Lithgow of Richmond Fort, and from the Penobscot Indians, do report that the Englishman got on Montinicus Island, be immediately removed from thence, He having no Right to said Island: And that it be recommended to the Gentlemen that are settling up Kennebeck River, to give such Satisfaction to the Indians as to make them easy, and allow of their going on with their Settlement up said River. All which is humbly submitted.

Jacob Wendell by Order,

Legislative Records of the Council, xx., 51. Mass. Archives, xxxii., 364.

Mass. Archives, xxxii., 412. Legislative Records of the Council, xx., 34, 35. House Journal, pp. 9, 38, 47.

Read &

*Ordered* that this Report be Accepted. [*Passed June 13.*

## CHAPTER 23.

ORDER SETTING OFF JEDEDIAH MORSE AND JAMES PLYMPTON WITH THEIR ESTATES FROM STOUGHTON TO WALPOLE.

A Petition of Jedediah Morse & James Plympton of Stoughton, setting forth their great Distance from the Place of publick Worship in said Town & other Inconveniences attending them there, Praying that they, their Families & Estates may be sett off from Stoughton & annexed to the Town of Walpole,

Legislative Records of the Council, xx., 4. Mass. Archives, cxvi., 337.

Mass. Archives,

cxvi., 336. Legislative Records of the Council, xx., 52. House Journal, p. 132 (March, 1753); p. 38a.

Read & it appearing that the Town of Stoughton has been duly served with a Copy of this Petn & that they Voted no Answer should be given thereto, Therefore

*Ordered* that the Prayer of the Petn be granted, & the Petrs with their Estates are hereby set off from the Town of Stoughton & annexed to the Town of Walpole, there to do Duty & enjoy Privilege Provided the Petrs first Pay their Propornof all Taxes that are already laid on the Town of Stoughton. [*Passed June 13.*

## CHAPTER 24.

ORDER ALLOWING £60 FOR CLEARING A ROAD TOWARDS ALBANY.

Legislative Records of the Council, xx., 52. Mass. Archives, cxxi., 289.

A REPORT made by Elisha Hawley Esqr of his marking out a Road from the Western Part of this Province towards Albany by Order of the House:

Read and

Mass. Archives, cxxi., 286-289. House Journal, pp. 59, 88 (December, 1752); pp. 35, 38.

*Ordered* that the Sum of Sixty pounds be granted and paid out of the publick Treasury to Oliver Partridge Esqr to be improved for the clearing a Road &c for the purpose within mentioned. as soon as may be, and in the Cheapest Manner. He to be Accountable to this Court for his Disbursments in this Affair. [*Passed June 13.*

## CHAPTER 25.

ORDER IMPOWERING JNO & RICHD BILLINGS TO BRING FORWARD A WRIT OF REVIEW.

Legislative Records of the Council, xx., 46. Mass. Archives, xliii., 704.

A PETITION of John & Richard Billing of Boston, shewing that at the Inferiour Court of Common Pleas for the County of Suffolk, held in April last, William Read as Attorney to John Bannister, brought a Writ of Scire Facias against them upon a former Judgment recovered against them as Trustees to one Saml Forster an absconding Debtor; and purely by the Neglect of their Attorney, Judgment was against them, Praying that they may be admitted to a Review. and that Execution on the said Judgment may be staid.

Mass. Archives, xliii., 702. Legislative Records of the Council, xx., 53. House Journal, pp. 30, 41, 42.

Read and it appearing that the above named William Read has been duly Served with a Copy of the Within Petition Therefore

*Ordered* that the Petitioners be & hereby are allowed to enter their Review of the Action within mentioned at the Inferiour Court of Common Pleas to be holden at Boston within and for the County of Suffolk on the first Tuesday of July next & the Justices of the said Court Are hereby impowered to hear & determine the same, enter up Judgement & Award Execution thereon Provided the Petrs give Sufficient Caution to the Sheriffs of the County of Suffolk to pay what now is or finally may be Adjudged due. [*Passed June 14.*

## CHAPTER 26.

ORDER ALLOWING £1. 7. 3¼ TO JOHN RUSSELL.

A Petition of John Russell of Killingley, shewing that he served this Government on board the Ship Massachusetts Frigate, from the 8th of March 1744, to the 20th, December 1745, for which he has had no Pay for the first Month, Praying that his Wages may be allowed to him out of the publick Treasury,

Read and

*Ordered* that the Sum of One pound seven shillings and three pence one farthing be allowed the Petr out of the publick Treasury in full for Wages due to him as herein mentioned. [*Passed June 14.*

Legislative Records of the Council, xx., 54. Mass. Archives, lxiv., 554.

Mass. Archives, lxiv., 553, 556. House Journal, pp. 41, 42.

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## CHAPTER 27.

ORDER IMPOWERING WILLIAM GAMMAGE, EXECUTOR, TO SELL REAL ESTATE.

A Petition of William Gamage & others, Heirs of John Gamage late of Ipswich Decd shewing that they have sufficient Evidence to produce that it was his real Intention by his last Will & Testament to impower his Executors to sell his Real Estate; but through the Unskilfulness of the Scribe it was not so express'd; And for as much as that would be of great Advantage to the Heirs, therefore Praying that the Executor may be impowered by this Court to sell the said Real Estate accordingly.

Read and

*Ordered* that William Gammag[e][1] the Executor of the last Will and Testament of the Deceas'd be and hereby is Impowered to make Sale of his real Estate.

He observing the directions of the Law respecting the Sale of real Estates.

And giving Caution to the Judge of Probate for the County of Middlesex that the Proceeds of said Sale shall be distributed among the Minors according to Law. [*Passed June 14.*

Legislative Records of the Council, xx., 54. Mass. Archives, xviii., 939.

Mass. Archives, xviii., 937. House Journal, pp. 35, 39, 38a. Province Laws, ii., 151, chap. 10.

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## CHAPTER 28.

ORDER ALLOWING GERMANS TO DISPOSE OF THEIR RIGHTS IN NEW TOWNSHIP AT FORT MASSACHUSETTS.

Whereas A Number of Germans Appear desireous to Joyn in Setling the Township at Fort Massachusetts lately Granted to Thirty one German Petitioners with A Number of English Who shall Appear to purchase Rights in Order to a Settlement And there Appearing Several of the Sd Petitioners willing to Resign their Interest in Sd Grant & that Others may be Admitted in their Stead

*Voted* that the Comtee Appointed by this Court to Admit Setlers &c in Sd Township be impowered & Directed to Admit Others of the Sd Germans into the Sd Township on the Conditions of the Afore Sd

Legislative Records of the Council, xx., 54. Mass. Archives, xvia., 228.

Mass. Archives, xvia., 227. House Journal, p. 41. *Ante*, p. 8, chap. 3.

[1] MS. mutilated.

Grant In the Room & Stead of Such of the S[d] Petitioners As Shall Appear Willing within one month to Resign their Interest in S[d] Grant PROVIDED That they do not give Anything to the first Grantees in Consideration of their being Admitted in their Room. [*Passed June 14.*

## CHAPTER 29.

ORDER IMPOWERING REBECCA WELLINGTON, ADM[x], TO EXECUTE A DEED AND TO JOIN WITH OTHERS IN A SALE OF REAL ESTATE.

Legislative Records of the Council, xx., 54. Mass. Archives, xviii., 932.

Mass. Archives, xviii., 931–933. House Journal, pp. 168, 170 (April, 1753); pp. 11, 39.

A PETITION of Rebecca Wellington, Widow & Administratrix of Timothy Wellington late of Lexington dec[d] shewing that her said Husband in his Life time agreed with Joseph Wellington of Waltham in Consideration of the Sum of One hundred & fifty Pounds in Bills of Credit, in hand received to convey to him One whole Right of Land in the Narraganset Township N° 2, with all the Lotts & after Divisions belonging thereto, & that a Deed was drawn accordingly, but her said Husband died before it was executed, Therefore Praying that the Petitioner may be impowered to execute a Deed of the same Import, as also join with the said Joseph in the Sale of a dwelling House, Grist Mill & Land held in Common, between her late Husband & the said Joseph Wellington, & lying in the Town of Waltham,

Read and

*Ordered* that the Pet[r] be and She hereby is Impowered to give a Deed according to Law to the within named Joseph Wellington of the Lott lying in Narragansett N° 2. And that She be also impowered to Joyn with Joseph and Thomas Wellington to make Sale of the Estate lying in Waltham, and to give a good [Deed][1] or Deeds of the Same She to be accountable to the Judge of Probate for the County of Middlesex for the proceeds of said Sale. [*Passed June 14.*

## CHAPTER 30.

RESOLVE FOR RECORDING THE GRANT & CONFIRMATION OF 500 ACRES OF LAND TO THE TOWN OF PEMBROOK.

Legislative Records of the Council, xx., 55. Mass. Archives, lviii., 376.

Mass. Archives, lviii., 375. House Journal, pp. 16, 23 (June, 1736); p. 91 (December, 1737); pp. 38[a], 42, 43. Province Laws, xii., 281, chap. 47.

WHEREAS it appears that in June 1736. a Grant was made to the Town of Pembrooke of five hundred acres of the unappropriated Lands of the Province to enable them to keep a Grammer School, and upon the sixteenth day of December 1737. A Plat of Five hundred acres of Land Surveyed and laid out by Nathaniel Kellogg Surveyor, and two Chain-men on Oath to satisfy said Grant, bounded North on Northfield South bounds, East and South on Province Lands & West on Connecticut River, was presented for allowance, accepted and confirm'd in usual Form as appears by the Journal of the House of Representatives, and inasmuch as the Record of said Grant and Confirmation of said Plat was lost, when the Court house was burnt

*Resolved*, That a new Record be made of said Grant and Confirmation of the Plat, agreeable to a Copy taken from the Secretary's Office before the Court house was burnt, and what appears in the

[1] Inserted from Legislative Records of the Council, xx., 54.

Journal of the House of Representatives, and that the Town of Pembroke be directed to ascertain the Bounds of said Farm within Six Months. [*Passed June 14.*

## CHAPTER 31.

ORDER ALLOWING £11. 17. 4 TO JOSEPH KELLOG.

A Petition of Joseph Kellog shewing that he attended at several Interviews between the Governours of this Province & the Western Tribes of Indians as Interpreter, for which he has had no Allowance, praying that he may be now allowed out of the Treasury, sufficient to satisfy him for said Service,

Legislative Records of the Council, xx., 55. Mass. Archives, xxxii., 361.

Read and

*Ordered* that the Mem° be allowed and paid out of the publick Treasury the Sum of Eleven pounds Seventeen Shillings and four pence in full for the services within refer'd to. [*Passed June 14.*

Mass. Archives, xxxii., 360. House Journal, pp. 22, 43.

## CHAPTER 32.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF THE NANTUCKET INDIANS.

Ezekiel Chever Esq^R^ from the Committee of both Houses gave in their Report on the Affair of the Nantucket Indians [Complaining of great Injustice & Oppression from the English Inhabitants there]; Which was accepted by the Council & House of Representatives with Amendm^ts^ & as amended is as follows, viz

Legislative Records of the Council, xx., 50, 56. Mass Archives, xxxii., 383.

The Committee appointed to consider the Petition of a Number of the Indians of Nantucket, Having met & heard the said Indians report their Opinions; That Roland Cotton, David Crocker & Zacheus Mayhew Esq^rs^ be appointed & impowered to repair to the Island of Nantucket, as soon as may be, & make Inquiry into the Grievances suggested & complained of by the Indians in their Petition, & other Papers accompanying the same, and all other Matters of Complaint now subsisting, That the Committee have Power to send for Persons & Papers as Occasion may be, That they endeavour an Accomodation of those Differences between the English & Indians, and make Report to this Court of their Doings therein, and of what they shall judge proper for this Court to do further thereon,

Ezek. Chever per Order.

Mass. Archives, xxxii., 382. House Journal, pp. 25, 43. Province Laws, xiv., 571, chap. 87.

*Ordered* that this Report be Accepted. [*Passed June 14.*

## CHAPTER 33.

ORDER APPOINTING A COM^TEE^ FOR BURN^G^ TORN AND DEFACED BILLS OF CREDIT.

In the House of Represent^ves^

Legislative Records of the Council, xx., 56. Mass. Archives, ciii., 150.

*Ordered* that M^r^ Speaker M^r^ Allen M^r^ James Bowdoin M^r^ Welles and M^r^ James Russell with such as the Hon^ble^ Board shall Joyn be a Comm^ee^ to take an Acc^t^ of the torn and defaced Bills of Credit

House Journal, p. 45.

and Government's securitys now in the hands of the Treasurer and Consume them to Ashes

And Report thereon at the next Sitting of this Court

In Councill

Read & Concur'd and J: Osborne Jacob Wendell Sam[l] Danforth, Sam[l] Watts & A: Oliver Esq[rs] are Joyn'd in the Affair. [*Passed June 15.*

## CHAPTER 34.

VOTE DIRECTING THE PROVINCE TREASURER TO RECEIVE PROVINCE BILLS OF CREDIT FOR PUBLIC TAXES.

Legislative Records of the Council, xx., 56. Mass. Archives, ciii., 149.

House Journal, p. 45.

*Voted* that the Treasurer be directed and He is hereby impowered to recieve of the several Constable and Collectors the Bills of Credit on the Province for the publick Taxes now outstanding. And the said Constables and Collectors are directed and impowered to recieve the said Bills for the said Taxes. [*Passed June 15.*

## CHAPTER 35.

Legislative Records of the Council, xx., 56. Mass. Archives, lxxiv., 109[a].

House Journal, p. 48.

ORDER ALLOWING £10 TO LAZARUS NOBLE AND BENJAMIN MITCHELL.

*Ordered* that the Sum of ten pounds be granted out of the publick Treasury to Lazarus Noble and Benj[a] Mitchell in order to enable them to proceed to Canada for the redemption of their Children. [*Passed June 15.*

## CHAPTER 36.

ORDER ON THE PET[N] OF ZEPHANIAH MORTON AND OTHERS CONFIRMING A SETTLEMENT OF AN ESTATE.

Legislative Records of the Council, xx., 57.

Mass. Archives, xviii., 891–893. House Journal, pp. 19, 25, 26, 45.

A PETITION of Zephaniah Morton & others, Children of George Morton late of Plymouth Dec[d] shewing that their Father died in the Year 1731, that in the Year 1742, they all with their Brother (now deceased) amicably agreed upon a Parole Division of their Fathers Estate (being then all of Age) & enter'd upon the Possession of their respective Parts, Intending speedily to execute an Instrument for the Confirmation of their said Agreement; but William Morton one of the Sons died before the Matter was accomplished; and therefore Praying that this Court would enable the Petitioners with Joseph Warren Guardian to William Morton the Grandson of George Morton, to execute a proper Agreement in Writing among themselves, & to make it valid in Law.

Read &

*Ordered* that the Prayer of the Petition be granted, and that the several Divisions set off to the several Heirs of George Morton late of Plymouth dec[d] as by their Deed dated April 24. last, be & hereby are confirmed & made as effectual in Law to all Intents & Purposes, and the several Parts & Shares to each of the said Children therein

mentioned to remain as fully to them & each of them, their & each of their Heirs & Assigns, as if the said William the Minor had been of full Age, & executed said Deed himself. [*Passed June 15.*

## CHAPTER 37.

ORDER ALLOWING PROVINCE LAW BOOKS TO THE NEW DISTRICTS.

*Ordered* that the several Districts that have been Erected in this Province be allowed a Law Book at the Publick Charge. [*Passed June 15.*

Legislative Records of the Council, xx., 57. Mass. Archives, xlvii., 370.

House Journal, p. 45.

## CHAPTER 38.

ORDER IMPOWERING SOLOMON KNEELAND, GUARDIAN, TO SELL LAND.

A Petition of Solomon Kneeland, Guardian of Katherine Phips a Minor, shewing that her Real Estate is in such Circumstances as to be of little Profit to her, & that it would be of much more Advantage to have it converted into Money; Praying to be impowered by this Court to sell it.

Read and

*Order'd* that the Prayer of this Petition be granted, & that the Petitioner in his said Capacity be and he is hereby impowerd to make Sale of the Piece of Land withinmentioned, to as good advantage as may be; the Proceeds of such Sale to be applyed to the use therein mentioned: The s[d] Guardian to observe the Direction of the Law (respecting the Sale of Real Estates by Executors & Administrators) as to time & manner of giving previous Publick notice of the intended Sale. [*Passed June 15.*

Legislative Records of the Council, xx., 57. Mass. Archives, xviii., 947.

Mass. Archives, xviii., 946. House Journal, p. 47. Province Laws, ii., 151, chap. 10.

## CHAPTER 39.

ORDER DISCHARGING WILL[M] BOARDMAN, JUN[R], FROM GOAL.

A Memorial of William Boardman jun[r] of Chelsea, shewing that he is imprisoned (by Virtue of a Warrant from the Treasurer) for not collecting the Taxes committed to him; Praying for Enlargement that he may be enabled to collect the Taxes or sell his own Estate to make up Deficiences

Read and

*Ordered* that the Pet[r] have liberty to come out of Goal He first paying Charges. And giving Bond with sufficient Sureties to pay the whole Sum (for which He is now confin'd in said Goal) to the Province Treasurer on or before the tenth of June next. [*Passed June 15.*

Legislative Records of the Council, xx., 58. Mass. Archives, cv., 432.

Mass. Archives, cv., 430. House Journal, pp. 38a, 46.

## CHAPTER 40.

ORDER ALLOWING £3. 18 TO ZECHARIAH EMERY.

Legislative Records of the Council, xx., 58. Mass. Archives, lxxiv., 103.

Mass. Archives, lxxiv., 103. House Journal, pp. 38[a], 43.

A PETITION of Zechariah Emery, Praying that he may be allowed out of the Treasury for the Loss of his own & his Sons Gun in the late Expedition against Cape Breton, while they were in the Service of this Province.

Read and

*Ordered* that the Pet[r] be allowed and paid out of the publick Treasury three pounds Eighteen Shillings in full Consideration for the Loss of the Two Guns within mentioned. [*Passed June 15.*

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## CHAPTER 41.

ORDER ALLOWING £3, AND A FURTHER SUM OF 40/ ANNUALLY TO JOSIAH MEAD.

Legislative Records of the Council, xx., 58. Mass. Archives, lxxiv., 105.

Mass. Archives, lxxiv., 105. House Journal, pp. 44, 46.

A PETITION of Josiah Mead of Pembroke, setting forth his long Services & Sufferings in the Wars against the French & Indians; by which he is now in his advanced Age render'd unable to support himself; Praying that this Court would make him some suitable Allowance for his Support,

Read and

*Ordered* that the Pet[r] be allowed out of the publick Treasury three pounds in consideration of his past services And that He be allowed forty Shillings Annually for his Subsistance during his Natural Life. [*Passed June 15.*

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## CHAPTER 42.

ORDER IMPOWERING THE JUDGE OF PROBATE TO GRANT FURTHER TIME FOR ENTERING A CLAIM AGAINST AN ESTATE.

Legislative Records of the Council, xx., 60. Mass. Archives, xviii., 951.

Mass. Archives, xviii., 951. House Journal, pp. 46, 48.

A PETITION of Samuel Blogget, shewing that he has a Claim of £101.16/ Old Tenor, upon the Estate of Caleb Blogget late of Woburn dec[d] represented Insolvent, that by Reason of his Papers being mislaid, he lapsed the time for examining Claims but having now found them, praying that he may be allowed to make his Claim, & come in for his Proportion of the said Estate, with the other Creditors,

Read and

*Ordered* that the Prayer of this Pet[n] be granted. And the Judge of Probate for the County of Middlesex is hereby impowered to allow three Months from this time for the Creditors to bring their Claims to the Estate within mentioned. [*Passed June 16.*

## CHAPTER 43.

VOTE FOR CALLING A MEETING OF THE PARISH OF QUABIN.

A Petition of Jacob Osborne & others, Inhabitants of the Parish of Quabin, shewing that by Mistake their last March Meeting was summoned by the Assessors of the last Year & not by the Parish Committee as the Law directs; by which all their Transactions in said Meeting are Null & Void, Praying that they may hold another Meeting for chusing Officers & for other Affairs of the Parish,

Read and

*Ordered* that the Parish Committee of Quabin (so called) for the last Year be and they hereby are Impowered and directed as soon as may be to Issue their Warrant for a Meeting of their said Parish at such time and place as they shall appoint

And said Parish when Assembled shall be Impowered by a major Vote to Chuse such Parish Officers as by Law they might have done in the month of March last. [*Passed June 18.*

Legislative Records of the Council, xx., 60. Mass. Archives, cxvi., 368.

Mass. Archives, cxvi., 367. House Journal, pp. 34, 50.

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## CHAPTER 44.

VOTE APPOINTING A COMTEE TO FARM OUT THE EXCISE FOR SUFFOLK COUNTY.

In the House of Representatives;

*Voted* that Mr Welles & Capt Spur with such as the Honble Board shall join be a Committee to farm out the Excise for the County of Suffolk.

In Council; Read & Concur'd; And Jacob Wendell Esqr is joined in the Affair. [*Passed June 19.*

Legislative Records of the Council, xx., 61.

Province Laws, iii., 741, note. House Journal, p. 52.

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## CHAPTER 45.

VOTE APPOINTING A COMTEE TO FARM OUT THE EXCISE FOR ESSEX COUNTY.

In the House of Representatives;

*Voted* that Mr Coggswell & Mr Greenleaf with such as the Honble Board shall join, be a Committee to farm out the Excise for the County of Essex.

In Council; Read & Concur'd; And Benjamin Lynde Esqr is joined in the Affair. [*Passed June 19.*

Legislative Records of the Council, xx., 61.

House Journal, p. 52.

## CHAPTER 46.

VOTE APPOINTING A COM^TEE TO FARM OUT THE EXCISE FOR MIDDLES^X COUNTY.

Legislative Records of the Council, xx., 61.

House Journal, p. 52.

In the House of Representatives;

*Voted* that M^r James Russell & Cp^t Livermore with such as the Hon^ble Board shall join, be a Com^tee to farm out the Excise for the County of Middlesex.

In Council; Read & Concur'd; And Ezekiel Chever Esq^r is joined in the Affair. [*Passed June 19.*

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## CHAPTER 47.

VOTE APPOINTING A COM^TEE TO FARM OUT THE EXCISE FOR HAMPS. COUNTY.

Legislative Records of the Council, xx., 61.

House Journal, p. 52.

In the House of Representatives;

*Voted* that Col° Patridge & Col° Worthington with such as the Hon^ble Board shall join, be a Com^tee to farm out the Excise for the County of Hampshire. In Council; Read & Concur'd; And Eleazer Porter Esq^rs are [1] joined in the Affair. [*Passed June 19.*

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## CHAPTER 48.

VOTE APPOINTING A COM^TEE TO FARM OUT THE EXCISE FOR WORCESTER COUNTY.

Legislative Records of the Council, xx., 61.

House Journal, p. 52.

In the House of Representatives;

*Voted* that Capt Mercy & Cap^t Ayres with such as the Hon^ble Board shall join, be a Committee to farm out the Excise for the County of Worcester. In Council; Read & Concur'd; And John Chandler Esq^r is joined in the Affair. [*Passed June 19.*

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## CHAPTER 49.

VOTE APPOINTING A COM^TEE TO FARM OUT THE EXCISE FOR PLYM° COUNTY.

Legislative Records of the Council, xx., 61.

House Journal, p. 52.

In the House of Representatives;

*Voted* that Col° Winslow & Col° Bradford with such as the Hon^ble Board shall join, be a Committee to farm out the Excise for the County of Plymouth. In Council; Read & Concur'd; And John Cushing Esq^r is joined in the Affair. [*Passed June 19.*

[1] The State Library copy, Legislative Records of the Council, xx., 61, reads, "Esq^r is."

## CHAPTER 50.

VOTE APPOINTING A COMTEE TO FARM OUT THE EXCISE FOR BARNST. COUNTY.

In the House of Representatives,
*Voted* that Colº Cotton, & Colº Otis with such as the Honble Board shall join, be a Comtee to farm out the Excise for the County of Barnstable.
In Council; Read & Concur'd; And John Otis Esqr is joined in the Affair. [*Passed June 19.*

Legislative Records of the Council, xx., 61.
House Journal, p. 52.

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## CHAPTER 51.

VOTE APPOINTING A COMTEE TO FARM OUT THE EXCISE FOR BRISTOL COUNTY.

In the House of Representatives;
*Voted* that Capt White & Capt Cobb, with such as the Honble Board shall join be a Committee to farm out the Excise for the County of Bristol. In Council; Read & Concur'd; And George Leonard Esqr is joined in the Affair. [*Passed June 19.*

Legislative Records of the Council, xx., 62.
House Journal, p. 52.

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## CHAPTER 52.

VOTE APPOINTING A COMTEE TO FARM OUT THE EXCISE FOR YORK COUNTY.

In the House of Representatives;
*Voted* that Mr Welles & Cpt Preble with such as the Honble Board shall join, be a Committee to farm out the Excise for the County of York;
In Council; Read & Concur'd; And Jabez Fox Esqr is joined in the Affair. [*Passed June 19.*

Legislative Records of the Council, xx., 62.
House Journal, p. 52.

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## CHAPTER 53.

VOTE APPOINTING A COMTEE TO FARM OUT THE EXCISE FOR DUKES COUNTY.

In the House of Representatives;
*Voted* that Colº Mayhew & Capt Norton with such as the Honble Board shall join be a Committee to farm out the Excise for the County of Dukes County. In Council; Read & Concur'd; And John Allen Esqr is joined in the Affair. [*Passed June 19.*

Legislative Records of the Council, xx., 62.
House Journal, p. 52.

## CHAPTER 54.

VOTE APPOINTING A COMTEE TO FARM OUT THE EXCISE FOR NANTUCKET COUNTY.

Legislative Records of the Council, xx., 62.

House Journal, p. 52.

In the House of Representatives;

*Voted* that Mr Folger & Mr Richard Coffin with such as the Honble Board shall join, be a Committee to farm out the Excise for the County of Nantucket. In Council; Read & Concur'd; And Josiah Coffin Esqr is joined in the Affair. [*Passed June 19.*

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## CHAPTER 55.

Legislative Records of the Council, xx., 62. Mass. Archives, cxix., 609a.

House Journal, p. 53. Province Laws, iii., 742, note.

VOTE FOR GIVING PUBLICK NOTICE OF LETTING OUT THE EXCISE.

*Voted* that the Committees of the several Counties thrô the Province appted to Farm out the Excise (the Counties of Dukes County & Nantucket excepted) Insert in the publick Prints, the time and place designd for that purpose And that the Commencement of the Rates for said Excise is on the 9th of July next. [*Passed June 19.*

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## CHAPTER 56.

ORDER APPOINTING A COMTEE TO ENQUIRE INTO THE ACCOTS OF COMMISSRS FOR THE LAND BANK.

Legislative Records of the Council, xx., 62. Mass. Archives, cili., 151.

House Journal, p. 51.

In the House of Repives

*Ordered* that Mr Welles Capt Joseph Williams and Mr Allen with such as the Honble Board shall appoint be a Committee to to [1] Inspect and Examine the Accounts of the Commissioners of the Land Bank or Manufactory Scheme in the Recess of the Court. And Report at their next Sitting the present State of their Accounts; and what they Judge proper to be done thereon

In Council Read and Concur'd and John Wheelwright and Andrew Olivers Esqrs is joined in the Affair. [*Passed June 19.*

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## CHAPTER 57.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR DISPOSING OF PROVINCE LANDS LYING WEST OF SHEFFIELD.

Legislative Records of the Council, xx., 63. Mass. Archives, xlvi., 311.

Mass. Archives, xlvi., 310-312. Legislative Records of the

THE COMMITTEE appointed to take under Consideration the Report of a Comtee sent by this Court to view the Province Lands, West of Sheffield &ca & also what it may be proper to do respecting the Western Boundary of this Province &ca beg leave to report. That considerable Improvements have been made upon the Province Lands lying West of Sheffield & Stockbridge without any Grant or Liberty from this Government; The Committee therefore are of Opinion

[1] *Sic.*

That a Committee be appointed by this Court to repair to said Lands with full Power to dispose of the same to the Person or Persons who have made or caused such Improvements, in such Quantities as they shall judge reasonable, for such Sums of Money as the Lands may be judged to be worth, without having respect to the Improvements made upon them; and take Bonds with Sufficient Sureties for the Payment of the Monies into the Province Treasury within two Years; And in Case any of the said Persons refuse to Purchase the same or give Bond as aforesaid, That then the Committee be impowered to dispose of the same to such other Persons as shall appear to purchase said Lands; who are also impowered in behalf of the Government to deliver Possession of the Lands to the Persons respectively that shall appear to purchase the same; And said Committee to be further impowered to dispose of the Province Lands lying West of said Township which are not taken up, by any Person, to such as shall appear to purchase the same, they giving Bond to said Committee as aforesaid, for the Sums they shall value the Lands at, and that all the Lands lying West of Sheffield be annexed to said Town to do Duties & receive Priviledges there, and those Lands lying West to said Town of Stockbridge to do Duties & receive Priviledges there.

Council, xx., 1, 3, 26, 56, 68. House Journal, pp. 35a, 38. *Ante*, p. 16, chap. 20.

All which is humbly submitted Jacob Wendell per Ordr

Read and

*Voted* Unanimously That this Report be accepted and that a Commee be appointed by this Court for the purposes herein mentioned accordingly. [*Passed June 19.*

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## CHAPTER 58.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF EBENEZER HILL AND THOMAS KINGMAN, TO ENTER AN APPEAL.

A Petition of Ebenezer Hill & Thomas Kingman & others, shewing that at the Inferiour Court of Common Pleas for the County of Plymouth held in May last, His Excellency Governour Belcher brought His Action against the before named Petitioners for Possession of Three hundred & twenty eight Acres of Land, that they claiming only twenty three Acres thereof, intended to defend their Right as to that & to disclaim as to the rest, But their Attorney on whom they depended failing, the Action went against them by Default; Therefore Praying that they may bring forward their Appeal to the next Superiour Court & have a Trial upon the Merrits, and the rest of the Petitioners have the same Liberty.

Legislative Records of the Council, xx., 59. Mass. Archives, xliii., 726.

Mass. Archives, xliii., 723. Legislative Records of the Council, xx., 65. House Journal, pp. 44, 47, 51.

*Ordered* that the Petr serve Andw Belcher Esqr (Attorney to Govr Belcher) with a copy of this Petn that He shew cause if any He hath on the first fryday of the next Sitting of this Court Why the Prayer thereof should not be granted. And all proceedings in the Law are Stayed in the meantime. [*Passed June 20.*

## CHAPTER 59.

ORDER ALLOWING £50 TO D^R W^M THOMAS.

Legislative Records of the Council, xx., 65. Mass. Archives, lxiv., 558.

Mass. Archives, lxiv., 557. House Journal, pp. 50, 55.

A PETITION of Doctor William Thomas of Plymouth, shewing that in the Month of January 1751, a Brigantine was cast away near said Town, at a Place called Monument Ponds, & the Master frozen to Death, and two of the Men got ashore alive very much frozen, whose Names were Hugh M^cNeal & Francis Birmingham, that the Petitioner in his Practice attended the said Persons; and in order to preserve the Life of the said Hugh M^cNeal, he was obliged to cutt off both his Hands, & both his Feet, and was obliged to attend him constantly at all Seasons from January to July at the Distance of Seven Miles, & having no where else to apply for Satisfaction than to this Government; Therefore Praying that this Court would allow him the Amount of his Account of Medicines, Attendance & Assistance, (in which he has charged every thing very low) viz^t the Sum of Sixty Seven Pounds 18/

Read and

*Ordered* that the sum of fifty pounds be allowed and paid out of the publick Treasury to the Pet^r in full consideration of his Account hereto annexed. [*Passed June 20.*

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## CHAPTER 60.

Legislative Records of the Council, xx., 65. Mass. Archives, xxxii., 394.

ORDER PROVIDING FOR SETTLING INDIANS AT STOCKBRIDGE, AND ENJOINING ANY AGREEMENT IN REGARD TO THE HOP LANDS UNTIL REPORT OF COMMITTEE &c.

Legislative Records of the Council, xix., 503; xx., 58. House Journal, pp. 44, 57. Province Laws, xiv., 597, chap. 155.

*Ordered* that the Committee appointed to provide for such of the Indians of the Six Nations as might incline to settle at or near Stockbridge be directed to forbear making any Agreement for the Hoplands so called, until the Committee appointed the 14 Ins^t to inquire into the situation of the Indians there shall report to this Court, & that the said last mentioned Committee be directed to inquire what measures have been already taken as to making an Agreement for said Lands, & report thereon as soon as may be. [*Passed June 20.*

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## CHAPTER 61.

VOTE FOR THE PROV^CE TREASURER GIVING BOND & BEING UNDER OATH, AND APPOINTING A COM^TEE FOR JUDGING OF THE SECURITY.

Legislative Records of the Council, xx., 66.

Mass. Archives, ciii., 157. House Journal, pp. 23, 24, 28, 29, 39, 43, 56, 57, 58, 59.

In the House of Representatives;

*Voted* that no Person that shall be elected by this Court into the Office of a Treasurer or Receiver General for this Province, for the present Year, shall be esteemed duly qualifyed to enter upon the Execution of that Office, untill he shall first have an Oath administred to him for the faithful Performance of the Duty of the said Office, & shall also give Bond with sufficient Sureties to the Acceptance of a Committee to be appointed by this Court for that Purpose, in

the Sum of Thirty Thousand Pounds Lawful Money to the three eldest Councellors in the Province for the Time being, Who are hereby appointed a Committee in behalf of the Province, and especially authorized for this Purpose, which Bond shall be conditioned for such Treasurer's truly & faithfully discharging the Duty of his said Office according to Law; and for his rendering an Account when & so often as he shall be required by the General Court, of all such Sums of Money as he shall from time to time receive into the Treasury; and for his well & truly paying to his Successor in said Office, or to any other Person that may be appointed by the General Court to receive the same, all such Sum or Sums of Money as upon such Settlement of his said Accompt or otherwise shall be found due & payable from him to the Province; Provided that the said Bond be put in Suit, within two Years next after the Date thereof; Otherwise to be Void & of none Effect.

Also

*Voted* that Mr James Bowdoin & Capt Joseph Williams with such as shall be joined by the Honble Board be a Committee to judge of the sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid.

In Council; Read & Concur'd; And Jacob Wendell Esqr is added on the Affair aforesaid. [*Passed June 21.*

## CHAPTER 62.

VOTE APPOINTING COMMISSRS FOR SELLG PROVINCE LAND.

Legislative Records of the Council, xx., 66. Mass. Archives, xlvi., 313.

This Day being appointed for the Election of Gentlemen to dispose of the Province Land lying West of Sheffield & Stockbridge, The following Gentlemen were duly elected by the Major Vote of the Council & House of Representves [with consent of the Lieutenant Governor] Viz,

Legislative Records of the Council, xx., 63. House Journal, p. 58. *Ante*, p. 28, chap. 57. *Infra*, chap. 63.

Samuel Welles Esqr John Chandler Esqr James Otis Esqr

[*Passed June 21.*

## CHAPTER 63.

VOTE GIVING INSTRUCTNS TO THE COMTEE FOR SELLING LANDS IN THE WESTERN PARTS.

Legislative Records of the Council, xx., 68. Mass. Archives, xlvi., 317.

Jacob Wendell Esqr from the Committee of both Houses appointed to prepare the Draught of Instructions to the Gentlemen that should be chosen by this Court to dispose of the Lands belonging to this Province, lying to the Westward of Sheffield & Stockbridge, gave in a Report thereof,

House Journal, p. 55. *Supra*, chap. 62.

Which was read & accepted by both Houses with Amendments, And passed June 21.

[The report as finally amended and accepted is as follows:]

The Comtee appointed to prepare Instructions for a Comtee That this Court propose to Appoint to Dispose of the province Lands Lying West of Sheffield & Stockbridge

Report as their Opinion

1. That the Sd Comtee be directed not to dispose of Any Lands lying Nearer than Twelve Miles of Hudsons River

2. That the s[d] Committe be Directed to Give Certificate to the Several Persons that Shall Purchase and Give Bonds for Any part of S[d] Lands Setting forth the Quantity & Bounds thereof and make Report to this Court (as soon as may be) of the several Agreements entred into that so the Persons who shall appear as Purchasers may have Grants made to them accordingly. [*Passed June 21.*[1]

## CHAPTER 64.

VOTE APPOINTING A COM[TEE] TO TRANSFER THE MONEY & PAPERS IN THE TREASURY, TO THE NEW TREASURER.

Legislative Records of the Council, xx., 67. Mass. Archives, ciii., 161.

Legislative Records of the Council, xx., 67 *bis*. House Journal, pp. 59, 60. *Ante*, p. 30, chap. 61.

In the House of Rep[ves]

*Ordered* that M[r] Speaker M[r] Fletcher and M[r] James Russell with such as the Hon[ble] Board shall Joyn be a Comm[ee] fully Authorized to recieve all the publick papers and Cash from the late Treasurer and give him a discharge for the Same And deliver them to the Treasurer lately Chosen as soon as qualifyed

In Council;

Read & Concur'd And Andrew Oliver & Samuel Watts Esq[rs] are joined in the Affair. [*Passed June 22.*

## CHAPTER 65.

Legislative Records of the Council, xx., 68. Mass. Archives, xlvii., 371.

House Journal, p. 60.

ORDER ALLOWING THE DISTRICT OF NEW CASTLE TO HAVE A LAW BOOK.

*Ordered* that the District of New Castle be allowed a Province Law Book at the publick Charge. [*Passed June 22.*

## CHAPTER 66.

Legislative Records of the Council, xx., 68.

House Journal, p. 54.

VOTE REFERRING ALL UNFINISHED MATTERS.

*Voted* that all Matters now before the Court, & that shall not be passed upon, have the same Day at the next Sitting of this Court. [*Passed June 22.*

## CHAPTER 67.

ORDER APPOINTING A COM[TEE] TO INQUIRE IN REGARD TO PAPERS SENT AND TO BE SENT TO AGENT BOLLAN.

Legislative Records of the Council, xx., 68. Mass. Archives, vi., 125.

In the House of Rep[ues]

*Ordered* that M[r] Speaker M[r] Welles and Cap[t] Livermore with such as the Hon[ble] Board shall appoint be a Comm[ee] to inquire what Papers have been sent to M[r] Agent Bollan respecting the Boundaries between

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 22.

this Government Connecticut and Rhode Island as also relating to the Slops Supplied in the Expedition ag^t^ Cape Breton &c And what papers and evidences are still necessary to be Sent And that they forward such Papers and Evidences to M^r^ Agent Bollan as soon as may be. House Journal, p. 60.

In Council; Read & Concur'd And Thomas Hutchinson & Andrew Oliver Esq^rs^ are joined in the Affair. [*Passed June 22.*

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## CHAPTER 68.

VOTE APPOINTING A COM^TEE^ TO PROVIDE FOR THE RECEPTION OF GOVERNOR SHIRLEY.

In the House of Rep^ves^

*Voted* that M^r^ Speaker M^r^ Tasker M^r^ Allen M^r^ James Russell M^r^ Welles Cap^t^ Joseph Williams and M^r^ Fletcher with such as the Hon^ble^ Board shall Joyn be a Comm^ee^ to make suitable Provision for the reception of His Excellency William Shirley Esq^r^ Who is expected to his Government in a short time Legislative Records of the Council, xx., 68. Mass. Archives, xlix., 366.

In Council Read & Concur'd and Josiah Willard, Jacob Wendell, Samuel Danforth Samuel Watts, John Wheelwright, Andrew Oliver & Thomas Hutchinson Esq^rs^ are joined in the Affair. [*Passed June 22.* Legislative Records of the Council, xx., 68. House Journal, p. 60.

# RESOLVES, ORDERS, VOTES, ETC.

## PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE FIFTH DAY OF SEPTEMBER, A.D. 1753.

## CHAPTER 69.

ORDER DIRECTING THE TREASURER TO ADVERTISE THE FUNDS IN HAND FOR THE REDEMPTION OF GOVERNMENT SECURITIES.

Mass. Archives, cliii., 165, 166.

Legislative Records of the Council, xx., 67 *bis*. House Journal, p. 66.

THE MEMORIAL of Harrison Gray Treas$^{ur}$ & Receiver Gen$^{l}$ of said Province Humbly sheweth

That He is Now possess'd of upwards of four Thousand pounds in Money which he has rec$^{d}$ for Taxes & Excise, and that Money is daily comeing into the Treasury from Constables, & others who are indebted to the Government, which Money is appropriated for the Redemption of the Governm$^{t}$ securityes payable the 20$^{th}$ January 1754, & for no other Use whatever; Which Notes althô the Province are not Obliged to redeem untill the 20$^{th}$ Jan$^{ry}$ next O stile, Yet as there is Money in the Treasury, it would be a saving to the Province to discharge them Sooner, but your Memorialist apprehends, that He has no Authority to do it without the Direction of this Hon$^{ble}$ Court, Wherefore he humbly prays that your Excellency & Honours would give him such orders as your Excellency & Honours in your Wisdom shall see meet and as in Duty bound shall ever pray HARRISON GRAY

Read &

*Ordered* that when at any time the Treasurer shall be possess'd of any Sum not less than One thousand Pounds of the Governm$^{ts}$ Money appropriated for the Discharge of the Securities payable the 20$^{th}$ of Jan$^{y}$ next, he apply the same for discharging such Securities according to the Priority of their Dates, & that he give Notice in the publick Prints of the Dates of the Securities which he is ready to discharge And in Case the Possessors of such Securities shall not appear & demand Paym$^{t}$ within fourteen days after such Notice, that then & in such Case the Treasurer be directed to discharge any other of such Securities as shall be offered him, And when any greater Sum shall be offered than he is able to discharge that he give the Preference to those of the prior Date. [*Passed September 6.*

## CHAPTER 70.

ORDER IN REGARD TO THE CHOICE OF A TREAS[R] FOR BRISTOL COUNTY.

Whereas At the Court of General Sessions of the peace held at Taunton for the County of Bristol on the Second Tuesday of June Last, being the Court when the Votes for a County Treasurer for Said County for the Current year ought by Law to have been opened and Sorted but on an omission of the Said Court the Said Votes were not opened & Sorted, so that the Said County of Bristol are now Destitute of a Treasurer and must remain So the remaining part of the present year, without the Aid of this Court

Legislative Records of the Council, xx., 75. Mass. Archives, ciii., 167.

House Journal, p. 66.

Therefore

*Ordered* that the next Court of General Sessions of the peace to be holden at Taunton for the County of Bristol on the Second Tuesday of September Current open & sort the Said Votes for a County Treasurer, and that the Person that Shall appear (upon Sorting said Votes) to be Chosen Treasurer shall to all intents & purposes be Deemed & held the Treasurer for said County for the Current year as thô the Votes afors[d] had been opened and Sorted at the Said Court of General Sessions of the peace held there in June Last he Taking the Oath to Said office as by Law required. [*Passed September 6.*

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## CHAPTER 71.

ORDER FOR RECORDING THE TREASURERS ACCO[T] OF LAND AND EXCISE BONDS, &c[A].

An Accompt presented by M[r] Harrison Gray Treasurer of this Province, of sundry Bonds in his Hands for Province Lands, also Bonds of the Farmers of the Excise of Liquors, as also for the Excise of Tea &c[a] with Weights & Measures &c[a]

Legislative Records of the Council, xx., 75. Mass. Archives, ciii., 171.

Read and

*Ordered* that the Secretary be directed to put the above written Account[1] and Reciepts on Record. [*Passed September 6.*

Mass. Archives, ciii., 168. House Journal, p. 66.

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## CHAPTER 72.

VOTE ALLOWING TEN DOLLARS TO MAJOR EPHRAIM WILLIAMS FOR MONEY PAID FOR THE MOHAWK INDIANS.

*Voted* that ten Dollars be paid out of the publick Treasury to Maj[r] Ephraim Williams to discharge so much He paid to Henrick Chief of the Mohawks for his Expences at Johannes Valantines at Kenderhook and about one hundred other Mohawks with him when they came to Stockbridge upon the Invitation of this Government. [*Passed September 6.*

Legislative Records of the Council, xx., 75. Mass. Archives, xxxii., 411

House Journal, p. 67.

[1] See Mass. Archives, ciii., 168.

## CHAPTER 73.

VOTE FOR ADJOURNING THE COURTS OF BRISTOL COUNTY.

Legislative Records of the Council, xx., 76. Mass. Archives, xliii., 754.

House Journal, p. 69. Province Laws, iii., 64, chap. 32.

WHEREAS by Law the Court of General Sessions of the peace and Inf^r^ Court of Comon pleas for the County of Bristol was to have been holden on the Second Tuesday of September instant, and many Concerned in Said Courts are members of the General Court, which it's probable will be Sitting at that Time THEREFORE

*Ordered* that the Said Courts of General Sessions of the peace and Inf^r^ Court of Comon pleas, &^c^ be and they hereby are adjourned to the Last Tuesday of October next, and all officers and others Concerned in Said Courts are to Conform themselves Accordingly: and all processes & other matters and things Depending in Said Courts, and which are by Law to be heard, Tryed & proceeded upon at Said Term, shall be heard, Tryed and proceeded upon on the Said Last Tuesday of october next and the Justices of Said Courts are hereby required to Conform themselves Accordingly. [*Passed September 7.*

## CHAPTER 74.

VOTE ALLOWING £500 FOR PRESENTS TO THE EAST^N^ INDIANS.

Legislative Records of the Council, xx., 76. Mass. Archives, xxxii., 414.

House Journal, p. 67. *Infra*, chap. 75.

*Voted* that the sum of five hundred pounds be applyed for purchasing Presents to be made this Year to the Indian Tribes in the Eastern parts of the Province. And that said Sum be taken out of the Effects of the Truck Trade in the Commissary Genl's hands. [*Passed September 7.*

## CHAPTER 75.

VOTE DESIRING THE GOV^R^ TO APPOINT COMMISS^RS^ FOR DISTRIBUTING THE PRESENTS TO THE INDIANS.

Legislative Records of the Council, xx., 76. Mass. Archives, xxxii., 413.

House Journal, p. 67. *Supra*, chap. 74.

*Voted* that His Excellency the Cap^t^ Gen^l^ be desired (if He cannot attend himself) to appoint Commissioners to Meet with the several Tribes of Indians in such place, as He Judges proper as soon as may be in order to their distributing the annual Present to the said Indians in the most advantageous manner. [*Passed September 7.*

## CHAPTER 76.

VOTE IMPOWERING THE PROVINCE TREASURER TO SUE DELINQUENT FARMERS OF EXCISE.

Legislative Records of the Council, xx., 76. Mass. Archives, cxix., 612.

House Journal, p. 67.

*Ordered* that the Province Treasurer pursue the Steps of the Law for recovering all such Sums of Money that are now due and of all other Sums of Money as they shall become due from the several Farmers of Excise within the Province. [*Passed September 7.*

## CHAPTER 77.

VOTE ALLOWING £200 FOR EXPENSES OF THE COMMISSIONERS TO THE EASTERN INDIANS.

*Voted* that a Sum̃ not exceeding two hundred pounds be allowed out of the Effects of the Indian Truck Trade in the Commissary General's hands in order for the making suitable Provision &c for the Gentlemen that may be appointed by His Excellency to repair to the Eastern parts of the Province to meet with the Tribes of Indians there

The s[d] Gentlemen to be accountable. [*Passed September 7.*

Legislative Records of the Council, xx., 76. Mass. Archives, ciii., 178.

House Journal, p. 68. *Ante*, p. 36, chap. 75.

## CHAPTER 78.

ORDER SETTING OFF DIVERS POLLS AND ESTATES TO THE SOUTH PARISH OF IPSWICH.

A Petition of Thomas Berry Esq[r] Andrew Burleigh & Samuel[1] Appleton a Committee of the South Parish in Ipswich, shewing that according to the Order of this Court in April last they have with the Assistance of Mess[rs] Nathaniel Averil, Thomas Gage & Humphrey Hobson (a Committee in Reserve appointed by this Court) and in Concurrence with a Committee of the first Parish in the said Town, settled a List & divided the Polls & Estates lying within the Limits of the first & South Parishes, & ascertained the Polls & Estates which are to belong to each Parish for the future, Praying that the said List herewith presented may be allowed & confirmed to constitute the said South Paris

Read &

*Ordered* that the Polls & Estates contained in the List herewith presented[2] be & they are hereby declared to belong to the South Parish in Ipswich for the future; And also all the Lands within the said Parish owned by People living in Boxford, Newbury Rowley & Salem (excepting Cross & March's Lands) together with the Lands of John West deceased; And that all Proceedings in the said Parish heretofore shall be deemed & held valid; And they are hereby ratified & confirmed to all Intents & Purposes whatsoever. [*Passed September 7.*

Legislative Records of the Council, xx., 77. Mass. Archives, xiii., 425.

Mass. Archives, xiii., 425–429. House Journal, p. 68. Province Laws, xiv., 703, chap. 180.

## CHAPTER 79.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

An Accompt presented by Edward Winslow Esq[r] Treasurer of the County of Suffolk for the last Year, having been by him laid before the Court of General Sessions for the said County & by them allowed;

Read and

Legislative Records of the Council, xx., 77. Mass. Archives, ccxlviii., 62.

House Journal, pp. 8, 67.

[1] Mass. Archives and the State Library copy, Legislative Records of the Council, xx., 74, give this name "Joseph Appleton."

[2] See Mass. Archives, xiii., 427–429.

*Ordered* that the within Acct be allowed and that the Balla thereof being three Shillings and eleven pence the said County is Accountable to said Treasurer for. [*Passed September 7.*

## CHAPTER 80.

ORDER GRANTING TO ELIJAH PORTER LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xx., 77. Mass. Archives, cxix., 611.

House Journal, p. 69.

A PETITION of Elijah Porter of Topsfield, shewing that he is well furnished for retailing Strong Drink, and his House well situated for it, Therefore Praying that the Court of General Sessions of the Peace for the County of Essex may be impowered at their next Session to grant him a Licence accordingly.

Read and

*Ordered* that the Justices of Genl Sessions of the Peace for the County of Essex be allowed to grant the Petr a Licence (if they see cause) the remaining part of the Year to retail strong Liquors. He first obtaining the approbation of the Select men of sd Topsfield for that service, the time for granting Licences being elapsed notwithstanding. [*Passed September 7.*

## CHAPTER 81.

ORDER CONFIRMING A PLAN OF 3,500 ACRES LAND GRANTED TO THE PROPRIETORS OF NARRAGANSET No 4.

Legislative Records of the Council, xx., 77. Mass. Archives, cxvi., 404.

Mass. Archives, cxvi., 404–407.

House Journal, pp. 45, 69.

Province Laws, xii., 647, chap. 176.

A PETITION of Samuel Robinson in behalf of the Proprietors of Narraganset Township Number four, lying at a Place called Quabin, & part West of Hatfield & adjoining to it, Praying that a Plat of Three Thousand five hundred Acres of Land, herewith exhibited, (laid out by Nathaniel Kellog & Chainmen on Oath), may be confirmed to the Proprietors of said Township, to fulfill a Grant of 3,500 Acres of Land made to them by this Court,

Read and

*Ordered* that the Prayer of this Petn be granted and the lands delineated in the Plan herewith exhibited are confirmed to the Proprietors abovementioned their Heirs and Assigns Provided the Plan does not interfere with any former Grant nor does not exceed the quantity mentioned. [*Passed September 7.*

## CHAPTER 82.

ORDER ALLOWING £8. 19. 9⅓ TO BENJAMIN MITCHELL AND LAZARUS NOBLE.

Legislative Records of the Council, xx., 78. Mass. Archives, lxxiv., 114.

Mass. Archives, lxxiv., 113.

A MEMORIAL of Benjamin Mitchell & Lazarus Noble setting forth the Treatment they had from the Governour of Canada, when they went to redeem their Children from Captivity, which they could not effect, & Praying that they may be allowed out of the Treasury their extraordinary Expence in this Affair.

Read and

*Ordered* that the Prayer of this Pet[n] be granted, and the Pet[rs] are hereby allowed the Sum of £8.19.9½ out of the publick Treasury accordingly. [*Passed September 7.*

House Journal, p. 70. *Ante*, p. 22, chap. 35.

## CHAPTER 83.

ORDER ERECTING NATH[L] DONNEL & OTHERS OF GEORGETOWN WITH THEIR ESTATES INTO A SEPARATE PRECINCT.

A Petition of Nathaniel Donnel & others, Inhabitants of those Lands on Kenebeck River[1] on the West Side thereof, which were formerly by Order of the General Court annexed to George Town, shewing that being now increased into the Number of Forty Families, they find great Inconveniences in attending the publick Worship there, Praying that they may be set off as a distinct Parish,

Legislative Records of the Council, xx., 50. Mass. Archives, xiii., 414.

Read with a Copy of the Vote of the Inhabitants of George Town pass'd at a Meeting held the 10[th] of July last; And it appearing that they had no Objections to make thereunto;

Mass. Archives, xiii., 412. Legislative Records of the Council, xx., 86. House Journal, pp. 35, 70. Province Laws, xii., 499, chap. 54.

*Ordered* that the Petitioners & their Lands as bounded in the Petition be set off as a separate & distinct Parish or Precinct, And that the Inhabitants enjoy & be vested with the Powers & Privileges of other Precincts in this Province. [*Passed September 7.*[2]

## CHAPTER 84.

VOTE IN REGARD TO THE INNHOLDERS & RETAILERS IN ESSEX COUNTY.

Whereas Sundry Persons in the County of Essex who had Obtain'd the Approbation of the Selectmen of the respective Towns to which they belong to be Inholders & Retailers of Spirituous Liqu[rs] and likewise licens'd by the Justices of the Gen[ll] Sessions of the peace for said County at the Time prescrib'd by Law for that purpose, Have inadvertantly Elaps'd the Time of Recognizing Therefore

Legislative Records of the Council, xx., 78. Mass. Archives, cxix., 613.

House Journal, pp. 70, 71.

*Ordered* that the Justices of said Sessions be and hereby are Impower'd to take Their Recognizances at their next Sessions within & for said County the time therfor being Elaps'd Notwithstanding. [*Passed September 8.*

## CHAPTER 85.

ORDER CALLING A MEETING OF THE PROPRIETORS OF THE WEST TOWNSHIP OF HOOSUCK.

A Petition of Isaac Wyman, Allen Curtis, and others for themselves & others Proprietors of the West Township at Hoosuck, lately

Legislative Records of the Council, xx.,

[1] "Bounded Southerly on Winneganse River, Easterly on Kennebeck River, Westerly on Stevens's River, & Northerly on Merry Meeting Bay." — Legislative Records of the Council, xx., 86.

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is September 11.

79. Mass. Archives, cxvi., 420.

Mass. Archives, cxvi., 419. House Journal, p. 74. Province Laws, xiv., 379, chap. 297.

sold by the General Court, shewing that their settling Lots are laid out, and they are bringing forward Settlements on the said Land; but they find themselves much retarded therein, for want of Power to call a Proprietors Meeting, and transact therein such Matters as may be judged necessary to forward the Settlement, Therefore Praying this Court would enable them to call a Proprietors Meeting &c^a^ Read &

*Voted* that William Williams Esq^r^ one of his Maj^s^ Justices of the peace for the County of Hampsh^r^ Issue his Warrant for Calling A Meeting of the proprietors of the West Township at Hoosuck So Called Directed to one of the principal proprietors of S^d^ Township Requiring him to Set Up a Notification in Some publick place in S^d^ Township Setting forth the time place and Occasion of S^d^ Meeting fourteen days before hand which Meeting Shall be holden in S^d^ Township And Such of the proprietors as Shall be present at S^d^ Meeting Are hereby Authorized & Impowered by A Maj^r^ Vote to Determine Upon A Division of All or part of the Lands In S^d^ Township Not Already Allotted Also Chuse a Com^tee^ or Com^tees^ to lay out the Same Also to raise Moneys to defrey the Charges that may Arise by Means of laying out S^d^ Lands Also for Clearing High ways As Also to Chuse A proprietors Clerk Treasurer Assessors & Collectors & Also to Agree & Determine Upon A Method of Calling Meetings of S^d^ Proprietors for the future. [*Passed September 10.*

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## CHAPTER 86.

ORDER ON THE PET^N^ OF JOHN STEEL ESQ^R^ IN REGARD TO AN INVENTORY OF AN ESTATE.

Legislative Records of the Council, xx., 79. Mass. Archives, xix., 6.

Mass. Archives, xix., 5. House Journal, pp. 71, 74.

A PETITION of John Steel of Boston shewing that in the Year 1742, he & Mary his Wife late Widow of Temple Nelson Dec^d^ exhibited an Inventory of his Estate, & made Oath thereto before the then Judge of Probate for the County of Suffolk; but it so happens that the said Inventory is lost & not recorded, Praying that the Petitioner who has a Copy of the said Inventory, taken at the Time when exhibited, may be admitted to make Oath to it before the present Judge, and that the same may be allowed of & put on Record in the Said Office.

John Otis Esq^r^ in behalf of the Committee appointed to Consider of the foregoing Petition, having made Verbal Report that they are of Opinion that the Prayer of the Petition be granted; Therefore

*Ordered*, that the Judge of Probate for the County of Suffolk, be and hereby is impowered and directed to receive of the Petitioner the Inventory within refer'd to, Taking his Oath that it is a True Copy of the Inventory formerly Exhibited to Josiah Willard Esq^r^ then Judge of Probate for the said County; and that the Register of Wills be also directed to record the same in the Registry of the Probate Office. [*Passed September 10.*

## CHAPTER 87.

ORDER GRANTING TO WILL[M] BAILEY LICENCE TO SELL STRONG DRINK.

A Petition of William Bailey of Amesbury, Retailer, shewing that being at Sea at the Time for granting Licences for selling strong Drink in the County of Essex, this present Year, he lost his Opportunity of renewing his Licence, Praying for Liberty to do it at the next Court of General Sessions of the Peace for said County,

Legislative Records of the Council, xx., 77. Mass. Archives, cxix., 610.

House Journal, pp. 85, 86.

Read &

*Voted* that the prayer of the petition be Granted and that the Court of Gen[l] Sessions of the peace for the County of Essex to be Holden at Newberry on the Last Tuesday of September Currant be & hereby are Impowered (if they see cause) to Grant Licence to the s[d] W[m] Bayley to be A Retailer of Spirituous Liquors In the Town of Almberry y[e] remaining part of y[e] year Upon his Obtaining An Approbation from the Select Men of the S[d] Town the time for Granting Licenses being Elapsed Notwithstanding. [*Passed September 11.*[1]

## CHAPTER 88.

VOTE APPOINTING A COM[TEE] FOR BURNING BILLS OF CREDIT.

In the House of Representatives

Legislative Records of the Council, xx., 81. Mass. Archives, ciii., 180.

House Journal, p. 74.

*Voted* that M[r] Speaker M[r] Wells M[r] James Russel M[r] James Bowdoin & M[r] Fletcher with Such as the Hon[rble] Board Shall Joyn be a Com[tee] in the Recess of the Court to tell up the province Bills & Goverment Securities in the Treasurers hands And Consume them to Ashes

In Council Read and Concur'd & John Osborne, Jacob Wendell, Samuel Watts, John Wheelwright & Andrew Oliver Esq[rs] are joined in the Affair. [*Passed September 11.*

## CHAPTER 89.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

An Accompt presented by Daniel Appleton Esq[r] Treasurer of the County of Essex for the last Year; Having been by him laid before the Court of General Sessions of the Peace for the said County, & by them allowed.

Legislative Records of the Council, xx., 82. Mass. Archives, ccxlviii., 61.

House Journal, pp. 8, 67.

Read and

*Ordered* that the within Acc[t] be allowed and that the Bal[l] thereof being forty one pounds Seven Shillings and eleven pence the within named Treasurer is further Accounta[bl] to said County for. [*Passed September 11.*

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is September 7. The House Journal order, which is incomplete, is under date of September 13.

## CHAPTER 90.

ORDER SETTING OFF DIVERS PERSONS AND THEIR ESTATES FROM BROOKFIELD TO THE PARISH IN THE DISTRICT OF SPENCER.

Legislative Records of the Council, xx., 2. Mass. Archives, cxvi., 326.

A PETITION of George Harrington jun$^{r}$ William Gill, Joshua Harrington, & David M$^{c}$Cluer, Inhabitants of Brookfield, praying that they & their Estates may be included in the District, proposed [1] to be taken out of the said Town.

Read &

*Ordered* that the prayer of the pet$^{n}$ be So far granted as that the pet$^{rs}$ and that part of their Estates Mentioned in the pet$^{n}$ be Annexed to the parish in the District of Spencer there to do duty & Receive parish priviledges During the Courts pleasure. [*Passed September 11.*

Mass. Archives, cxvi., 323-335. Maps and Plans, Mis., xxxii., 24. Legislative Records of the Council, xx., 83. House Journal, p. 124 (March, 1753); pp. 22, 36, 44, 70, 74.

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## CHAPTER 91.

VOTE IMPOWERING THE SOUTH PARISH IN MALDEN TO CALL A MEETING TO CHOOSE A COLLECTOR.

Legislative Records of the Council, xx., 83. Mass. Archives, cv., 444.

A PETITION of the South Precinct in Malden, shewing that they chose a Collector at their Meeting in March last, but he neglecting to take the Oath in time, the Election is void, Praying that they may be impowered to chuse a Collector.

Read &

*Voted* that the parish within mentioned be and hereby are Impowered to Call a Meeting of S$^{d}$ Parish in order to Chuse a Collector for the present Year which Choice Shall be held good & Valid to all Intents & purposes the time for Such Choice being Elapsed Notwithstanding. [*Passed September 11.*

Mass. Archives, cv., 443. House Journal, pp. 73, 75.

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## CHAPTER 92.

VOTE ALLOWING £3 AND 40/ ANNUALLY TO DANIEL JOB.

Legislative Records of the Council, xx., 83. Mass. Archives, lxxiv., 109$^{b}$.

A PETITION of Daniel Job an Indian, setting forth his many Services in the late Wars against the French & Indians, and that by Reason of Age & Blindness he is unable to provide for himself, Praying for Relief, from this Court.

Read &

*Voted* that the Sum of Three pounds be Allowed the pet$^{r}$ out of the province Treasury for the time past and for the future he be Allowed the Sum of Forty Shilling ℔ Annum to be paid into the Hands of the Guardian of the Indians In the West part of the County of Barnstable for the pet$^{rs}$ Use during the Courts pleasure. [*Passed September 11.*

Mass. Archives, lxxiv., 110. House Journal, pp. 74, 75.

[1] Mass. Archives, cxvi., 323, states that this "Request on the 30$^{th}$ of Last January" was "to the selectmen of Said Brookfeild," etc.

## CHAPTER 93.

RESOLVE ADDING £666. 13. 4 TO THE APPROPRIATION FOR GRANTS.

Whereas the Sum of five Hundred pounds Sterling was granted by this Court at their Session in Decr 1752 to Mr Agent Bollan to be paid out of the publick Treasury to Enable him to sollicit the Affairs of this province at the Court of Great Brittain he to be Accountable In Consequence of which Vote Charles Apthorp Esqr as Attorney to Sd Bollan has Obtained a Warrant Upon the province Treasury for the Sum of £500 Sterlg Drawn upon the Appropriation of 3,500 for Grants Agreeable to a Supply Bill made & passed by the General Court at their session at Concord May 1752 which Appropriation is Exhausted and there being no other Appropriation in sd Supply Bill from which a Transfer can be made And as there is a Necessity for the Interest of this Government that the money Should be Immediately remitted Sd Agent And as there are Considerable Sums of Money which will be due to the province in a Short time for Lands Sold which will come into the Treasury and which as Yet is Not Appropriated for Any Use Whatever Therefore

*Resolved* that the Sum of 666.13.4 part thereof be Added to the appropriation of Grants & Applyd for that purpose and that the Treasurer be directed to discharge Sd Warrant Accordingly. [*Passed September 11.*

Legislative Records of the Council, xx., 85. Mass. Archives, xxi., 115.

House Journal, p. 85. Province Laws, iii., 635, chap. 8; xiv., 662, chap. 84.

## CHAPTER 94.

VOTE IN REGARD TO THE SETTLEMENT OF THE ESTATE OF PHINEAS ASHLEY DECD.

A Petition of the Heirs of Phineas Ashley of Westfield Decd shewing that the Circumstances of the Deceaseds Estate are such as make it necessary that it should be sold, and therefore Praying that the Guardian of the Children of Ebenezer Ashley decd who are Minors may be impowered to join with the Rest of the Heirs in the Sale of the Real Estate of the said Phineas Ashley,

[Read &]

*Voted* that Noah parsons Guardian to the Children of Ebenr Ashley Deceased be & hereby is fully Authorized & Impowered to Joyn with Jonathan Ashley Mercy Dewey Josiah & Lydia Pumroy & any Others that may be Concerned in Making An Agreement with Margaret Ashley for her Right of Dower in the Estate of Phinehas Ashley within Named Deceased And after they have paid the Sum they may Agree with her for to take her Discharge which Shall be a final Barr to Any Action She might have had for her Dower in the Estate of Sd Phinehas Ashley And that the Said Noah Parsons Guardian As Aforesd be further Authorized & Impowered to Join with the Sd Jonathan Ashley Mercy Dewey Josiah & Lydia Pumroy & any others that may be concerned In Making Sale of the Whole of the Real Estate the Sd Phinehas Ashley died Seised of & in making & Executing Ample Conveyances in the Law of the Same to the person or persons to whom it may be Sold Provided the Sd Noah Guardian as aforesd give Caution to the Judge of Probate of wills

Legislative Records of the Council, xx., 85. Mass. Archives, xix., 10.

Mass. Archives, xix., 11. House Journal, pp. 69, 85.

&c in the County of Hampshire for Such part of S[d] Estate as may belong to the Children of the S[d] Eben[r] Ashley Deceased. [*Passed September 11.*

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## CHAPTER 95.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF AARON PLUMMER FOR A NEW TRIAL.

Legislative Records of the Council, xx., 86. Mass. Archives, xliii., 769.

House Journal, p. 75.

A PETITION of Aaron Plummer of Scarborough in the County of York, Complaining of great Unfairness and of Wrong done in the Management of a Trial at the Superiour Court in said County between him & William Wentworth of Kittery, Praying that he may be admitted to a new Trial, and that Execution on the Judgment in the mean time be stayed,

Read &

*Ordered* that the pet[r] Serve the Adverse party with a Copy of this pet[n] that he Shew Cause (if any he hath) on the Second Thursday of the Next Sitting of the Court Why the prayer thereof Should not be granted & that the Execution be Stayd in the Mean time provided the pet[r] give Sufficient Security to the Sherriff of the County of York for Such Sum as may be found finally due from the pet[r] to the S[d] W[m] Wentworth. [*Passed September 11.*

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## CHAPTER 96.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PET[N] OF OLIVER ELLIS & OTHERS FOR A NEW TRIAL OF A CAUSE.

Legislative Records of the Council, xx., 86. Mass. Archives, i., 239.

House Journal, p. 79.

A PETITION of Oliver Ellis for himself & about Eighty others Inhabitants of Medfield & Medway and Proprietors of certain Mēdows on Charles River, shewing that at the Superiour Court for the County of Suffolk, in an Action between the Petitioners & Mathew Hasttings, he obtained a Judgment against said Proprietors purely on Mis construction of the Evidence, Praying for another Trial,

In Council Read and

*Ordered* that the Petitioner serve the adverse Party Matthew Hastings with a Copy of this Petition [1] that he shew Cause (if Any he have) on the first Tuesday of the next Sitting of this Court why the Prayer thereof should not be granted

In the House of Represent[r]

Read & Concurred with the Amendment [to wit] And that the Execution be Stay d in the Mean time provided S[d] Ellis Give Sufficient Security to the Sheriff of the County of Suffolk for Such Sum as the S[d] Math[w] Hastings may finally recover Against him.

In Council. Read & Concur'd. [*Passed September 11.*

[1] At the hearing December 7, 1753, this petition was dismissed. — Mass. Archives, i., 240.

## CHAPTER 97.

ELECTION OF COMMISSRS TO TREAT WITH NEW YORK COMMISSIONERS.

Legislative Records of the Council, xx., 87.

This being the Day appointed for the Election of Five Commissioners to meet & treat with Commissioners from the Government of New York, on the Differences relating to the Boundaries between the two Provinces, the following Persons were duly elected by the Major Vote of the Council, & House of Representatives, vizt Samuel Welles, John Chandler, Thomas Hutchinson, James Otis, and Oliver Patridge, Esqrs. [*Passed September 12.*

Legislative Records of the Council, xx., 73, 75, 84. House Journal, pp. 78, 79, 82 *bis*. *Ante*, p. 16, chap. 20.

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## CHAPTER 98.

ORDER ALLOWING £100 TO MESSRS TIMOTHY WALKER AND BENJAMIN ROLFE.

A Petition of Timothy Walker & Benjamin Rolfe for themselves & others, Proprietors of the Town of Rumford, formerly granted & settled by this Province, shewing that since the late stating & runing the Boundary Line between this Province & New Hampshire (whereby the said Town was taken into the Province of New Hampshire), notwithstanding his Majesty's Declaration, that the Settlement of the said Line should not effect private Property, the Petitioners are continually molested by Law Suits, and their Land unjustly taken away from them, and for as much as they are not able to bear the Charge of Appeals or Complaints to His Majesty, Praying for Relief from this Court.

Legislative Records of the Council, xx., 80. Mass. Archives, vi., 135.

Mass. Archives, vi., 138. Legislative Records of the Council, xx., 87. House Journal, pp. 72, 80. Wm. Lapham's History of Rumford, p. 5.

Read &

*Ordered* that the Sum of One Hundred pounds Sterling be Allowed & paid out of the publick Treasury to Enable the petitioners to prosecute the Affair Mentioned In the petition they to be Accountable therefore to this Court. [*Passed September 12.*

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## CHAPTER 99.

ORDER IMPOWERING ELIPHALET WESTON, GUARDIAN, TO SELL REAL ESTATE.

A Petition of Eliphalet Weston, Guardian to Mary & Orphan Peterson, Minors, Children of Daniel Peterson, late of Duxborough decd shewing that by Reason of the Expence he has been at for the Support of the said Orphans, their Estate falls in Debt to him more than the Personal Estate will pay: Praying that he may be enabled to sell so much of the Real Estate as will be sufficient to discharge the said Debt.

Legislative Records of the Council, xx., 87. Mass. Archives, xix., 1.

House Journal, pp. 71, 84, 85.

Read &

*Ordered* that the Prayer of the Petition be granted & that the Petitioner be & he hereby is Impowered to make Sail of So much of the Real Estate of the minors under his Guardianship as Amounts

to Seventeen Pounds Nineteen Shillings being the Ballance due to him Viz[t] out of the Real Estate of Orphan Peterson, Ten Pounds fifteen Shillings & Ten pence half Penney & of the Real Estate of Mary Peterson Seven pounds Three Shillings & one Penney half Penney Besides the Charges of Sail & that the Said Petitioner Guardian as afors[d] observe the Same Rules & Directions as is Given in the Law for the Sale of Lands for the Payment of Debts and that he be accountable to the Judge of Probate for the County of Plymouth for his Proceedings & that the Said Guardian be Impowered to give a Sufficient Deed or Deeds of So much of the Real Estate of his Wards as Shall answer the aforesaid Purposes. [*Passed September 12.*

## CHAPTER 100.

ORDER IMPOWERING THE SELECTMEN OF DIGHTON TO CALL A TOWN MEETING.

Legislative Records of the Council, xx., 88. Mass. Archives, cxvi., 465.

House Journal, pp. 80, 81.

A PETITION of William Ware in behalf of the Select Men of Dighton for the Year 1752, shewing that sundry Officers chosen by the said Town at their Meeting in March neglected to take the Oath of Qualification, that their Meeting was adjourned untill June, that by Reason of the Sickness of the Moderator at that time it failed, Praying that this Court would impower the said Town to have another Meeting for the Choice of their Officers,

[Read &]

*Ordered* that the Select-men of the Town of Dighton for the year 1752. be and hereby are Directed & impowered to issue their Warrant Directed to M[r] Benjamin Jones of said Dighton to Call a Town meeting as Soon as may be to make Choice of the Several Town officers for the year Current which should have been Chose in the month of March Last & the Said Benjamin Jones is hereby impowered & required to notify the Inhabitants accordingly and the Said Town officers when Chosen shall be as much impowered & obliged (to all intents & purposes) To Serve in the Said offices, to which they Shall be respectively Chosen as though they had been Chosen in the month of March Last. [*Passed September 12.*

## CHAPTER 101.

ORDER GRANTING TO JOSEPH MILLEKEN LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 88. Mass. Archives, cxi., 269.

House Journal, p. 80.

A PETITION of Joseph Milleken of Biddeford in the County of York, shewing that he is conveniently situated for keeping a House of publick Entertainment, and praying that the Court of General Sessions of the Peace for said County may be impowered at their next Term to grant him a Licence.

Read And

*Voted* that the prayer of the pet[n] be So far granted that the Justices of the Gen[l] Sessions of the peace for the County of York at their Next Term be & hereby are Authorized & Impowered if they See fit to grant Licence to the to the [1] pet[r] to keep a house of Pub-

[1] *Sic.*

lick Entertainment in the Town of Biddeford he first Obtaining an Approbation from the Select men of S^d^ Town the time for Granting of Licences being Elapsed Notwithstanding. [*Passed September 12.*[1]

## CHAPTER 102.

ORDER ON THE PETITION OF KATHERINE SACHEMUS, INDIAN, IN REGARD TO A BOUNDARY LINE.

A Petition of Katherine Sachemus of Tetticut, Indian, complaining of Encroachments made upon her Lands in the said Place, more especially with respect to Lands purchased by Nehemiah Washburn of one James Thomas; Praying that this Court would appoint the Guardians of the Indians or some other Person to settle the dividing Line, between the Lands of the Petitioner and the Lands of the said Washburn.

Legislative Records of the Council, xx., 89. Mass. Archives, xxxii., 410.

Mass. Archives, xxxii., 409. House Journal, p. 80.

Read &

*Ordered* that the Guardians of the Teticut Indians Together with Cap Sam[l] White Run the Line & Ascertain the bounds of the pet^rs^ Land within mentioned. [*Passed September 12.*

Province Laws, xiv., 467, chap. 144; 718, chap. 221.

## CHAPTER 103.

VOTE IMPOWERING MARG^T^ GIDDINGS, ADM^X^, TO EXECUTE A DEED.

A Petition of Margaret Giddings, Widdow & Administratrix of Job Giddings late of Ipswich Dec^d^ Praying that She may be enabled to give a Deed of Ten Acres of Land, with Buildings thereon, in Ipswich, unto William Goodhue of said Place, which her late Husband had obliged himself in his Life time to do upon Conditions, Which the said Goodhue is willing to perform.

Legislative Records of the Council, xx., 83. Mass. Archives, xix., 3.

Mass. Archives, xix., 2. House Journal, p. 77.

Read &

*Voted* that the prayer of the petition be granted and that the S^d^ Margaret Giddings in her Capacity of Adm^x^ be & hereby is Impowered to give as Good & Sufficient Deed of Conveyance of the Land Mentioned In the pet^n^ to the S^d^ W^m^ Goodhue as Job Giddings the Husband of the S^d^ Margaret Who is Deceased Might Or Could have done were he now Living She giving Caution to the Judge of Probates for the County of Essex that the money Arising by the S^d^ Conveyance be Secured for the benefits of the Heirs of the S^d^ Job Giddings. [*Passed September 13.*[2]

[1] The date of the final concurrence in the Council is given in Mass. Archives as September 11, evidently a mistake, as the same order states that its reading in the House occurred on September 12.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is September 11.

## CHAPTER 104.

ORDER IMPOWERING JOHN CHANDLER, ESQR, TO DEMAND COPIES FROM CONNECTICUT RECORDS OF PAPERS IN REGARD TO BOUNDARY LINE.

Legislative Records of the Council, xx., 90. Mass. Archives, vi., 142.

House Journal, p. 87. Province Laws, xiv., 460, chap. 128. *Ante*, p. 32, chap. 67.

*Ordered* that John Chandler Esqr be impowered & directed to demand Copies from the proper Offices in the Colony of Connecticut of all Papers & Records relating to the Settlement of the Line between this Province & the sd Colony; & that in Case any such Copies shall be refused to be delivered that the said John Chandler Esqr do there demand the same by a publick Notary, or in the Presence of two Witnesses, & that he take Care to cause the Evidence of such Demand & the refusal thereupon to be duly authenicated. [*Passed September 13.*

## CHAPTER 105.

VOTE IMPOWERING THE JUDGE OF PROBATE TO DIVIDE ESTATES LEFT TO THE CHILDREN OF JOSEPH SAWYER, DECEASED.

Legislative Records of the Council, xx., 91. Mass. Archives, xix., 4.

House Journal, p. 81.

A PETITION of Oliver Moore & John Prescot, Guardian of the Children of Joseph Sawyer junr decd shewing that the said Children have Lands, left them by their Father & other Lands left them by their Grandfather, both of Lancaster, that it will be very inconvenient to have the said Lands assigned them in seperate Divisions, therefore Praying that the Judge of Probate for the County of Worcester may be directed to make the Division as of one single Estate.

Read &

*Voted* that the prayer of the petition be granted And that the Judge of Probates for the County of Worcester be & hereby is Impowered to give out his Commission Ordering the Lands Mentioned in the petition to be Equally [divided][1] between the Heirs of Joseph Sawyer Mentioned in the petition in the Same Manner as thô the Lands had Descended to them from their Father Exceepting only that the Eldest Son have a Single Share Equal to one of the Other Heirs of that Land that was given to them by their Grandfather In as much as it Appears by the Deed Exhibited that it was to be Equally Distributed Among all of the Sd Hrs. [*Passed September 13.*

## CHAPTER 106.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF THOMAS FLETCHER TO ENTER AN APPEAL.

Legislative Records of the Council, xx., 91. Mass. Archives, xliii., 757.

Mass. Archives, xliii., 755.

A PETITION of Thomas Fletcher of Boston Merchant, shewing that at the Inferiour Court of Common Pleas for the County of Suffolk, held in July last, Judgment was given against him (by Reason of the Absence of his Attorney) in an Action brought against him by George Ruggles on a protested Bill of Exchange, which had been endorsed over to the said Ruggles; Praying that

[1] Inserted from Legislative Records of the Council, xx., 91.

he may be allowed his Appeal to the next Superiour Court, & Execution stayed in the mean time. House Journal, p. 68.

Read and

*Ordered* that the Pet$^{r}$ serve Cap$^{t}$ Joshua Loring with a Copy of this Pet$^{n}$ that so He shew cause if any He hath on the first fryday of the next Sitting of this Court why the Prayer thereof should not be granted And Execution is Stayed in the mean time Provided the Pet$^{r}$ give sufficient Caution to the Sheriff of the County of Suffolk to pay such Sum as shall finally be Judged due on this Affair. [*Passed September 13.*

## CHAPTER 107.

ORDER ALLOWING £10 TO JOSIAH LOOMIS.

A Petition of Josiah Lomis of Tacknachg setting forth his great Sufferings & Losses by Reason of his maintaining the Right of this Province to Lands lying on the Western Borders, & praying that this Court would take upon them to manage his Suits in the Law on this Account, or defray the Charges he is or may be at therein. Legislative Records of the Council, xx., 91. Mass. Archives, vi., 145. Mass. Archives, vi., 144. House Journal, pp. 80, 82, 83.

[Read &]

*Voted* that the sum of Ten pounds be Granted to the pet$^{r}$ In Order to Support him in Carrying on his Action of Trespass Against the Van Dusars To be put into the Hands of John Worthington Esq$^{r}$ he to be Accountable for the Same. [*Passed September 13.*

## CHAPTER 108.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF NATH$^{L}$ SPARHAWK TO BRING FORWARD A WRIT OF REVIEW.

A Petition of Nathaniel Sparhawk of Kittery Esq$^{r}$ shewing in an Action between him & M$^{r}$ Benjamin Colman on one part and Andrew Knox on the other; tried at the last Superiour Court in Boston, by Reason of the Absence of their Attorney, Judgment went against them, Praying that Execution may be stayed upon the Petitioners giving Bond to review the said Cause at the next Court: Legislative Records of the Council, xx., 91. Mass. Archives, xliii., 766. Mass. Archives, xliii., 764–768. House Journal, p. 84.

Read &

*Voted* that the pet$^{r}$ Serve the Adverse party And$^{w}$ Knox with A Copy of this pet$^{n}$ that he Shew Cause (if Any he have) Upon the first Tuesday of the Next Sitting of the Court why the prayer thereof Should not be granted & that the Execution and all processes in s$^{d}$ Cause be Stayed in the Meantime. [*Passed September 13.*

## CHAPTER 109.

ORDER OF NOTICE ON THE PETITION OF THE FALL TOWN INHABTS IN REGARD TO MINISTERIAL TAXES.

Legislative Records of the Council, xx., 92. Mass. Archives, cxvi., 422.

Mass. Archives, cxvi., 421. House Journal, pp. 72, 82.

A PETITION of Ebenezer Shelden junr & others, Proprietors & Inhabitants of the Plantation called Fall Town, setting forth the Difficulties they are under to raise Money for the Support of the Ministry & other necessary Charges, & praying that they may be impowered to gather the Taxes already assessed on the Grantees Rights in said Place, & further Taxes necessary to be laid; and for as much as they are obliged to settle only Sixty Rights, that the Court would order which Rights shall stand obliged to be settled, & which not.

Read &

*Ordered* that the petitioners Serve the Proprietors of Falltown both the Residen[1] & Non resident with this Petition by Inserting the Substance thereof In the Evening Post that they Shew Cause (if Any they have on the first Friday of the Next Sitting of the Court why the prayer thereof Should not be Granted. [*Passed September 13.*

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## CHAPTER 110.

ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF STURBRIDGE TO LEVY A TAX OF ONE PENNY PER ACRE ON UNIMPROVED LAND.

Legislative Records of the Council, xx., 43. Mass. Archives, cxvi., 396.

Mass. Archives, cxvi., 395. Legislative Records of the Council, xx., 92. House Journal, pp. 27, 75, 84.

A PETITION of Capt Moses Mercy as Agent for the Town of Sturbridge, Setting forth the great Difficulties the Inhabitants are under to raise a suitable Support of the Ministry there, and forasmuch as there are considerable Tracts of Land in said Town that are daily growing in their Value by the Increase of the Inhabitants; which ly unimproved, praying that the Inhabitants of said Town may be impowered to Tax the said unimproved Lands belonging to the Resident as well as Non Resident Proprietors for the Support of the Ministry & School, and making & repairing necessary High Ways & Bridges,

Read &

*Ordered* that the prayer of the petn be so far Granted as that the Assessors of the sd Town of Sturbridge be Impowered to Assess One penny ℔ acre Annually for the Three Next Succeeding Years on the Unimproved Lands Mentioned in the Petition. [*Passed September 13.*

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## CHAPTER 111.

ORDER DIRECTING THE PROVINCE TREASR TO RECEIVE BILLS & PARTS OF BILLS OF CREDIT.

Legislative Records of the Council, xx., 81. Mass. Archives, ciii., 181.

*Voted* that the Province Treasurer be directed to Receive Province Bills of Credit also halves & Quarters of the Same of Sheriffs Farmers of Excise Constables & Collectors of the Province Taxes

[1] *Sic.*

till the first day of March next & No Longer And that the Treasurer give Notice of this Vote in the Publick Prints Accordingly. [*Passed September 14.*[1]

House Journal, pp. 65, 66, 90.

## CHAPTER 112.

ORDER GRANTING THE PETITION OF MATHEW HASTINGS FOR STAY OF EXECUTION.

A Petition of James Otis & Oxenbridge Thatcher, Attorneys to Mathew Hastings, setting forth the State of the Case lately tried at the Superiour Court for the County of Suffolk, between the said Hastings & Oliver Ellis, referr'd to in the said Ellis's Petition, Enter'd Yesterday, Praying that the Court would now proceed to hear & determine upon the said Petition, or that Sylvanus Plympton's Execution against the Petitioner Hastings, which relates to the same general Cause may be stayed till this Court may determine on Ellis's Affair.

Legislative Records of the Council, xx., 88. Mass. Archives, xliii., 751.

Mass. Archives, xliii., 749. Legislative Records of the Council, xx., 86. House Journal, pp. 82, 89. *Ante*, p. 44, chap. 96.

Read &

*Ordered* that the prayer of the petition be so far granted That Inasmuchas the Petitioners Execution Against Oliver Ellis is Stay'd by Order of this Court that Sylvanus Plymptons Execution Against the Pet$^{r}$ be Also Stay d Until the time Appointed for the hearing before this Court on the Petition of the S$^{d}$ Ellis And Also that the pet$^{rs}$ Execution Against Ebenezer Mason for Cost be Also Stay d to that time. [*Passed September 14.*[2]

## CHAPTER 113.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE FOR FARMING EXCISE IN THE COUNTY OF NANTUCKET, AND ALLOWING £2. 4. 1 FOR EXPENSE THEREOF.

The Committee for letting out to farm the Excise for the County of Nantucket for the present Year reported that they had let out the same to Obed Hussey for Twenty five Pounds, seventeen Shillings, & had lodged his Bond in the Treasury, their Charge being £2.4.1.

Legislative Records of the Council, xx., 91. Mass. Archives, cxix., 615.

Mass. Archives, cxix., 615. House Journal, p. 90. *Ante*, p. 28, chap. 54.

Read & Accepted &

*Voted* that the Sum of Two pounds 4/1 be Allowed & paid out of the Publick Treasury In Discharge of the within Account. [*Passed September 14.*[3]

[1] The date of the final concurrence in the Council is given in Mass. Archives as September 11, evidently a mistake, as the same order states that its reading in the House occurred on September 14.

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is September 12.

[3] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is September 13.

## CHAPTER 114.

ORDER DIRECTING THE COMMISSIONERS TO THE INDIANS AT THE EASTWARD TO TAKE AS MANY ORIGINAL INDIAN DEEDS WITH THEM AS THEY CAN OBTAIN.

Legislative Records of the Council, xx., 93. Mass. Archives, xlvi., 319.

In the House of Represent

The House having taken into Consideration his Excellencys Message of Yesterday

*Ordered* That the Commissioners that may be Appointed to the Interview with the Eastward Indians Carry with them as many of the Original Deeds of the Lands in the Eastward parts of this province as they Can Obtain in Order to Quiet and Satisfy the Said Indians.

Legislative Records of the Council, xx., 90. House Journal, pp. 89, 90. *Ante*, p. 36, chap. 75.

In Council Reaad & Concur'd. [*Passed September 14.*[1]

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## CHAPTER 115.

VOTE FOR BURNING SMALL BILLS OF CREDIT.

Legislative Records of the Council, xx., 93. Mass. Archives, ciii., 182.

*Voted* that the Com^tee^ Appointed by this Court to take An Account of the Province Bills and of the Government Securities in the Present Treasurers hands & Consume them to ashes Be also directed to take An Account of the Small Bills made for Change in the hands of the former Treasurer & Consume them to ashes also And Likewise take an Account of him what he has passed away of S^d^ Bills that he is Accountable for. [*Passed September 14.*

House Journal, p. 91. *Ante*, p. 41, chap. 88.

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## CHAPTER 116.

VOTE APPOINTING A COM^TEE^ TO CONFER WITH A COMM^TEE^ FROM CONNECTICUT GOVERNMENT.

Legislative Records of the Council, xx., 93. Mass. Archives, cxix., 616.

In the House of Rep^r^

*Voted* that Samuel Wells John Chandler Thomas Hutchinson James Otis and Oliver Partridge Esq^rs^ be a Com^tee^ to Confer with Such as may be Appointed by the General Court of the Colony of Connecticut to be Convened In Oct^o^ Next for Enourageing & facillitating Trade & Commerce between the people of The Two Governments and Make report to this Court for their Confirmation And the S^d^ Com^tee^ are directed to Transact this Affair about the time of their Meeting the Gentlemen of New York & at the Same place

Mass. Archives, iv., 44, 46. Legislative Records of the Council, xx., 84. House Journal, p. 93.

In Council, Read & Concur'd And that His Excellency be desired to inform the Governor of Connecticut of this Proposal that so the Gen^l^ Assembly of that Colony may appoint some Gentlemen to treat with the Gentlemen aforesaid if they see meet on this Affair.

In the House of Rep^r^.

Read & Concurred. [*Passed September 14.*

[1] The date of final concurrence in the Council is given in Mass. Archives as September 13, evidently a mistake, as the same order states that its reading in the House occurred on September 14.

## CHAPTER 117.

VOTE ALLOWING £500 TO M[R] AGENT BOLLAN.

*Voted* that the Sum of five Hundred pounds Sterling be paid Out of the publick Treasury to M[r] Agent Bollan to Enable him to Transact the Affairs of this province at the Court of Great Brittain & that M[r] Treasurer Gray be & hereby is directed to Transmit the Same to him Accordingly. [*Passed September 14.*

Legislative Records of the Council, xx., 94. Mass. Archives, xxi., 119.

House Journal, pp. 90, 92.

## CHAPTER 118.

VOTE FOR A GUARD FOR THE EASTERN COMMISSIONERS.

*Voted* that the Cap[t] General be Desired To give Orders for a Guard Not Exceeding fifty men for the Defence of the Comiss[rs] Appointed to Treat with the Eastern Indians If the S[d] Comissioners think it Necessary when they shall Arrive there. [*Passed September 14.*

Legislative Records of the Council, xx., 94. Mass. Archives, lxxiv., 116[a].

House Journal, p. 92. *Ante*, p. 36, chap. 75.

## CHAPTER 119.

VOTE OF THANKS TO THE GOVERN[R] FOR HIS OBTAINING CANNON, MORTARS, &c., FOR CASTLE WILLIAM AND ALLOWING £52. 10 EXPENSES THEREOF.

*Ordered* that the thanks of this Court be given to his Excel[cy] the Gov[r] for his Care in Soliciting his Majesty for the Cannon & Mortars &c for Castle William So far as to Obtain the Same in the room of those that were taken from thence for Lovisbourg Expedition And that the Sum of fifty Two pounds Ten Shillings Sterl[g] be paid out of the Publick Treasury to his Excellency Governour Shirley for Sundry Contingent Charges &c Expended In Obtaining S[d] Cannon & Stores. [*Passed September 14.*

Legislative Records of the Council, xx., 94. Mass. Archives, lxxiv., 117.

House Journal, p. 90.

## CHAPTER 120.

Legislative Records of the Council, xx., 94.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON INSTRUCTIONS TO THE COMMISS[RS] ON THE AFFAIR OF THE WEST[N] LINE.

Mass. Archives, vi., 142. Legislative Records of the Council, xx, 90. House Journal, pp. 82, 83, 87, 91. *Ante*, p. 45, chap. 97.

John Quincy Esq[R] from the Committee of both Houses appointed to prepare Instructions [1] for the Commissioners on the Affair of the Western Boundaries of this Province reported a Draught of the same. Which were read & accepted by both Houses & consented to by the Governour. [*Passed September 14.*

[1] The instructions have not been found.

## CHAPTER 121.

VOTE REFERRING ALL UNFINISHED MATTERS.

Legislative Records of the Council, xx., 94.

House Journal, p. 93.

*Voted* that all Matters now before the Court & not pass'd upon be refer'd to the next Sitting of this Court. [*Passed September 14.*

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## CHAPTER 122.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE TO FARM EXCISE FOR THE COUNTY OF HAMPSHIRE AND ALLOWING £1. 2 EXPENSES THEREOF.

Legislative Records of the Council, xx., 94. Mass. Archives, cxix., 617.

House Journal, p. 92. Province Laws, iii., 742, note. *Ante*, p. 26, chap. 47.

THE COM^TT apointd by order of the Great & General Court to farm out the Excise on spirituous Liquors in the County of Hamp^r having attended that servis & after due Publication Given; farmed the same to noah ashly Esq^r of westfield for one year from the 9^th of July Last for one hundred & thurty five pounds Lawful money he being the highest Bider; we have taken his Bond with suretys & Lodged the same with m^r Treasurer Gray

℔ order of the Com^tt ELEA^R PORTER

Read &

*Ordered*

That this Report be Accepted & that the Sum of One pound Two shillings be Allowed & paid out of the publick Treasury to S^d Com^tee In full Discharge of the foregoing Acc^t. [*Passed September 14.*

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## CHAPTER 123.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE TO FARM EXCISE IN THE COUNTY OF WORCESTER AND ALLOWING £2. 6. 8 EXPENSES THEREOF.

Legislative Records of the Council, xx., 94. Mass. Archives, cxix., 614.

House Journal, p. 90. *Ante*, p. 26, chap. 48.

THE COMITTEE appointed by Order of the great and Gen^l Court to farm out the Excise on Spirituous Liquors &c^t in the County of Worcester having attended that Service, and after due Publication given farm'd the Same to M^r John Hunt of Watertown for one year from the 9^th of July last for Two hundred & Seventy Two, pounds Lawfull mony he being the highest bider we have taken his bond with Suretys & Lodged the Same [with] M^r Treasurer Gray.

℔ order of the Com^tte JOHN CHANDLER

Read &

*Voted* that the Aboue report be Accepted & that the S^d Com^tee be Allowed and paid out of the publick Treasury the Sum of Two pounds 6/8 In full Discarge of this Acc^t. [*Passed September 14.*

## CHAPTER 124.

ORDER IMPOWERING DESIRE RUSSELL, ADM^x^, TO SELL LAND.

A Petition of Desire Russell of Barnstable, Widdow & Administ^x^ of Jonathan Russell Dec^d^ shewing that her said Husband's personal Estate fell short of paying the Debts and Charges the Sum of Twenty two Pounds eighteen shillings and four pence, and for as much as the Petitioner was unavoidably hindred from applying to the Superiour Court for Licence to sell part of the real Estate for paying the said Sum, when the said Court sat last at Barnstable, Therefore, praying that this Court would grant her a Licence for the same.

Legislative Records of the Council, xx., 94. Mass. Archives, xix., 13.

Mass. Archives, xix., 12, 14. House Journal, p. 91.

Read &

*Ordered* that the Prayer of the Pet^n^ be so far granted as that the Pet^r^ be allowed to sell so much of the Intestates Land as shall be sufficient to pay the within mentioned Debt, she giving Proper Caution to the Judge of Probate for the County of Barnstable to dispose of the Produce of the Premises pursuant to Law. [*Passed September 14.*

## CHAPTER 125.

VOTE APPOINTING A COM^TEE^ TO SEND PAPERS TO M^R^ AGENT BOLLAN.

In the House of Representatives

*Voted* that M^r^ Speaker, M^r^ Welles and M^r^ James Russell with such as the Hon^ble^ Board shall Join, be a Committee in the Recess of the Court, to take under Consideration M^r^ Agent Bollans Letter, and transmitt to him such Papers and Evidences, as they judge necessary for his Transacting, and carrying on the Affairs of this Province, at the Court of Great Britain

Legislative Records of the Council, xx., 95. Mass. Archives, xxi., 118.

Legislative Records of the Council, xx., 75. House Journal, p. 92.

In Council Read & Concur'd and Andrew Oliver and Thomas Hutchinson Esq^rs^ are joined in the Affair. [*Passed September 14.*

## CHAPTER 126.

ORDER IMPOWERING SARAH TAYLOR, ADM^x^, TO SELL LAND.

A Petition of Sarah Taylor Widdow of Rowland Taylor late of Barnstable deceased, and Administratrix of his Estate, shewing that the Debts & Charges on the said Estate amounted to £10.11.11 more than the personal Estate, Praying that she may be impowered to sell so much of the Lands as will discharge the said Debts, &c^a^

Legislative Records of the Council, xx., 95. Mass. Archives, xix., 16.

Mass. Archives, xix., 15, 15a. House Journal, p. 91.

Read and

*Ordered* That the Prayer of the Pet^n^ be so far granted as that the Pet^r^ be allowed to sell so much of the Intestates Land as shall be sufficient to pay the within mentioned Debt, she giving proper Caution to the Judge of Probate for the County of Barnstable to dispose of the Produce of the Premises pursuant to Law. [*Passed September 14.*

## CHAPTER 127.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF ABRAHAM DAVIS TO VACATE A JUDGMENT.

Legislative Records of the Council, xx., 95. Mass. Archives, xliii., 731.

Mass. Archives, xliii., 729. House Journal, pp. 83, 93. *Ante*, p. 15, chap. 17.

ON THE PETITION of Abraham Davis, [*ante*, p. 15, chap. 17]

The Com^ee^ appointed to consider the within Pet^n^ having fully heard the Parties thereon, Report

That the Prayer of this Pet^n^ be granted, And that the Judgm^t^ within referr'd to & the Excon issued thereupon be declared void, And that there be a new Entry of the Action mentioned in the Petition at the next Sup^r^ Court of Jud^r^ to be holden within & for the County of Essex, And that the Justices of the said Court be impowered & directed to hear & determine the same, give Judgm^t^ & award Execution accordingly.

All w^ch^ is humbly submitted, in the Name & by Order of the Comm^ee^ JOHN OTIS

Read &

*Ordered* that this Report be accepted. [*Passed September 14.*

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## CHAPTER 128.

VOTE ON PETITION OF CONCORD FIRST PARISH IN REGARD TO THE COLLECTION OF TAXES.

Legislative Records of the Council, xx., 95. Mass. Archives, cv., 434.

Mass. Archives, cv., 433. House Journal, pp. 87, 89.

A PETITION of Ephraim Jones, Agent for the first Parish in the Town of Concord, setting forth that one John Billing was chosen & sworn as a Collector for said Parish for the Year 1751, & a Rate List committed to him to collect, which he did in part, but before his Collection was finished, he became Delirious, & still continues to be, without any Prospect of Recovery; Therefore Praying that the said Parish or their Committee may be impowered to take the said List, & commit it to some other Person to collect what now remains unpaid.

*Voted*[1] that the Committee of the first parish in Concord be and Hereby are Impowered to take the list of Assessment which has been Committed to M^r^ John Billing late Collector who by Sickness and disorder of mind is unable to Complat his Collection and take therefrom a list of the persons who have not paid their proportion of the Said List and the Several Sums due from Each of them and Commit the Same to one of the Collectors of S^d^ Parish for this present year with a Warrant to oblige and Enable him to Collect the Same the Said parish Committee allowing the Collector to whom they Committ the Same after the Rate of Five ℔ Cent for his Service. [*Passed September 14.*

[1] MS. mutilated.

## CHAPTER 129.

VOTE ALLOWING £34. 0. 2 TO DAVID INGERSOL ESQR.

A Petition of David Ingersol Esqr setting forth his Service and Expence for this Province in the Affair of the Western Line, amounting to the Sum of £34.0.2d as by the Account therewith exhibited,[1] Praying the same may be allowed & paid to him out of the publick Treasury.

Legislative Records of the Council, xx., 96. Mass. Archives, vi., 130.

Read &

*Voted* that the Sum of Thirty four pounds & Two pence be allowed & paid out of the publick Treasury & In full Discharge of his Acct herewith Exhibited of his Services & Expences in behalf of the Governmt at New York & Elswhere. [*Passed September 14.*

Mass. Archives, vi., 131. House Journal, pp. 83, 88, 92.

## CHAPTER 130.

ORDER ON THE PETITION OF JOHN SIMON, INDIAN MINISTER, IN REGARD TO SALE OF LANDS.

A Petition of John Simon Indian Minister at Tetticut for himself and in behalf of the Society there under his Charge, setting forth the many Inconveniences attending the Liberty allowed the Indians to sell their Lands they being often imposed upon by the English, and the Lands sold much under their Value, the Indians thereby led into an Idle & dissolute way of Living, & so reduced to Poverty, and many times the Lands sold by those who have no good Title to them, with many other Evils arising from this Liberty, Therefore Praying that this Court would apply some effectual Method to prevent that Ruin which will otherwise fall on the Indians, by these Means.

Legislative Records of the Council, xx., 96. Mass. Archives, xxxii., 421.

[Read &]

*Ordered* that the Guardians for the Titicut Indians Take Special Care that they approbate no petition from Stephen David or James Thomas: for Sale of Land untill they Strictly Examine into the right which they may respectively have to the Lands they may petition to Sell. inasmuch as it is Suggested to this Court, that the said Stephen & James have Sold Considerable Lands that they had no right to and are now applying to the Said Guardians for their approbation for the Sale of more. [*Passed September 14.*

Mass. Archives, xxxii., 419. Legislative Records of the Council, xviii., 306. House Journal, pp. 82, 89. Province Laws, xi., 634, chap. 128; xii., 738, chap. 175; xiv., 39, note; 280, chap. 49; 349, chap. 214; 467, chap. 144.

## CHAPTER 131.

VOTE GRANTING TO CHARLES COLTON LICENCE TO KEEP AN INN.

A Petition of Charles Colton, of Springfield, shewing that he has taken the House in Cambridge, commonly called the Duke of Cumberland Tavern, which is very commodious for Travellers, praying that the Court of General Sessions of the Peace for the County of Middlesex may be enabled to grant him a Licence.

Legislative Records of the Council, xx., 96. Mass. Archives, cxi., 271.

Read &

*Voted* that the prayer of this petn be So farr granted that the Jus-

Mass. Archives, cxi., 270. House Journal, p. 92.

[1] For the account see Mass. Archives, vi., 131.

tices of the Court of General Sessions of the peace for the County of Middlesex at their Next Term be Impowered (if they See fit) to Licence the Pet$^{r}$ to give publick Entertainment In the House where Abiel Richardson Now Lives he first Obtaining the Approbation of the Select men of the Town of Cambridge. [*Passed September 14.*

## CHAPTER 132.

ORDER ALLOWING £5. 6. 8 TO PARKER LUMBART.

Legislative Records of the Council, xx., 97. Mass. Archives, lxxiv., 116.

A PETITION of Parker Lumbart of Barnstable, setting forth his Losses while in the publick Service, as a Soldier at Topsham, by the burning of the Fort or Garrison where he was posted, praying for an Allowance out of the publick Treasury.

House Journal, pp. 90, 92. Province Laws, xiv., 390, chap. 325.

Read &

*Ordered* that the prayer of the petition be so far granted as that there be paid out of the publick Treasury to the pet$^{r}$ the Sum of Five pounds 6/8 (Including the Sum formerly Granted him which he has not yet received) In Consideration of his Losses within Mentioned. [*Passed September 14.*

## CHAPTER 133.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE MAP OF NEW ENGLAND BY DR. WM DOUGLASS.

Legislative Records of the Council, xx., 97.

THE COMMITTEE to whom the Message of His Excellency the Governour on the Petition of M$^{r}$ Cornelius Douglass, Nephew to D$^{r}$ William Douglas Dec$^{d}$ relating to a Plan or Map of the four Governments of New England, was referr'd, having Carefully examined the same, beg Leave to report, That we find it to be very erroneous and are therefore humbly of Opinion, That no Countenance be given to its being made publick, apprehending it would have a Tendency to lead the Inhabitants of this Province into great Difficulties. WM PEPPERELL per Order,

Legislative Records of the Council, xx., 76. House Journal, pp. 68, 87.

Read &

*Ordered* that the foregoing Report be accepted. [*Passed September 14.*[1]

[1] Adjourned to December 4. See Legislative Records of the Council, xx., 99.

# RESOLVES, ORDERS, VOTES, ETC.

## Passed at the Session begun and held at Boston, on the Fourth Day of December, A.D. 1753.

## CHAPTER 134.

### ORDER FOR ADJOURNING THE COURTS OF BRISTOL COUNTY.

Whereas by Law the Court of General Sessions of the peace and Inf^r^ Court of Comon pleas for the County of Bristol was to have been holden on the Second Tuesday of December instant and many Concerned in Said Courts, are members of the General Court which its probable will be Sitting at that Time Therefore

Legislative Records of the Council, xx., 104. Mass. Archives, xliii., 800.

*Ordered* that the Said Courts of General Sessions of the peace, and Inf^r^ Court of Comon pleas &^c^ be and they hereby are adjourned to the Last Tuesday of January next and all officers and others Concerned in Said Courts are to Conform themselves Accordingly. and all processes and other matters and things Depending in Said Courts and which are by Law to be heared Tryed and proceeded upon at Said Term shall be heared Tried and proceeded upon on the said Last Tuesday of January next, and the Justices of Said Courts are hereby required to Conform themselves Accordingly. [*Passed December 7.*

House Journal, p. 102. Province Laws, iii., 64, chap. 32.

## CHAPTER 135.

### VOTE IMPOWERING BENJ^A^ READ, GUARDIAN, TO SELL LAND.

A Petition of Benjamin Read Guardian of Samuel Eastabrook a Minor and Student at Harvard College, praying that he may be impowered to sell divers Tracts, of unimproved Land belonging to the said Minor, and lying in the Town of Holden, Containing in the whole about One hundred & Sixty three Acres, The Produce to be laid out for his Education.

Legislative Records of the Council, xx., 105. Mass. Archives, xix., 37.

House Journal, p. 101.

*Voted* that the Prayer of the Pett^n^ be granted & that the Said Benjamin Read Guardian to s^d^ minor be impowerd to make Sale of the Lands Mentioned in s^d^ Pett^n^ for the most they will fetch & give Sufficient Deed or Deeds of the same & give Caution to the Judge of Probate for the County of Middlesex to apply the Proceeds thereof to the Use of the Minor. [*Passed December 7.*

## CHAPTER 136.

ORDER GRANTING TO ENOCH TITCOMB LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xx., 106. Mass. Archives, lix., 397.

House Journal, p. 104.

A PETITION of Enoch Titcomb of Newbury, Praying that this Court would impower the Court of General Sessions of the Peace for the County of Essex at their next Term to grant the Petitioner a Licence to retail strong Drink in the said Town of Newbury.

Read and

*Ordered* that the Prayer of the Petition be so far Granted As that the Court of General Sessions of the Peace for the County of Essex at their next Sessions be and hereby are impowered if they see Cause to grant the Petitioner a Licence (he first Obtaining a Recommendation from the Select Men of the Town of Newbury for that Purpose) the time for granting Licences being elapsed notwithstanding. [*Passed December 8.*

## CHAPTER 137.

ORDER FOR ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative Records of the Council, xx., 108. Mass. Archives, xliii., 801.

House Journal, p. 108. Province Laws, iii., 64, chap. 32.

WHEREAS by Law the Court of General Sessions of the Peace and Inferiour Court of Common Pleas for the County of Plymouth was to have been Holden on the Third Tuesday of December Instant and Many Consarned in Said Courtes are Members of the General Court which Its Probable will be Sitting at that time Therefore

*Ordered* that the Said Courtes of General Sessions of the Peace & Inferiour Court of Common Pleas &c. be and they hereby are adjourned to the First Tuesday of March next and all officers and others Concerned in Said Courtes are to Conform themselves Accordingly and all Processes and Other Matters and things Depending in Said Courtes and which are by Law to be heard Tried and Proceeded upon at Said Tearm Shall be heard Tried and Proceeded upon on the first Tuesday of March Next and the Justices of Said Courtes and all officers & others are hereby Required to Conform themselves Accordingly. [*Passed December 11.*

## CHAPTER 138.

ORDER IMPOWERING JOSEPH EPHRAIM, INDIAN, TO SELL LAND.

Legislative Records of the Council, xx., 108. Mass. Archives, xxxii., 402a.

Mass. Archives, xxxii., 401. House Journal, pp. 110, 111. Province Laws, xiv., 39, note.

A PETITION of Joseph Ephraim of Natick, Indian, setting forth his Debts contracted by Means of Sickness, and old Age and praying for Liberty to sell Twenty five Acres of his Land in said District for the Discharge of his Debts, and for his better Support in his advanced Age.

Read, &

*Order'd* that the Prayer of the within Petition be granted, and that the Petitioner have Leave (with the advice & assistance of the Guardians of the Indians in Natick,) to make Sale of twenty five acres of his Land, to the best advantage that may be, (after thirty Days Publick Notice given of the intended Sale,); The Proceeds

of such Sale to be applyed by said Guardians (so far as is necessary) for Discharging the Petitioners just Debts, & for his present Relief; The Remainder (if any be) to be put to Interest for the purposes mention'd in the Petition. [*Passed December 11.*

## CHAPTER 139.

ORDER IMPOWERING ISAAC EPHRAIM, INDIAN, TO SELL LAND.

A Petition of Isaac Ephraim of Natick, Indian, setting forth the Debts he hath contracted, & praying that he may have Liberty to sell Twenty five Acres of Land, belonging to him, in Natick, for the Payment of his said Debts, as also for other Uses, mentioned in his Petition.

Legislative Records of the Council, xx., 109. Mass. Archives, xxxii., 404.

Read, and

*Order'd* that the Prayer of the within Petition be granted, and that the Petitioner have Liberty (with the assistance, & under the Direction of the Guardians of the Indians in Natick) to make Sale of twenty five acres of his Land, (for the most that may be,) Due Notice being previously given of the intended Sale; The Proceeds of such Sale to be applyed by said Guardians for Discharging the Petitioners just Debts, and the Remainder (if any such there be) to be improv'd to the best advantage of the Petitioner. [*Passed December 11.*

Mass. Archives, xxxii., 403. House Journal, p. 110. Province Laws, xiv., 39, note.

## CHAPTER 140.

VOTE GRANTING TO MERCY BRADSHAW LICENCE TO KEEP AN INN.

A Petition of Mercy Bradshaw Widdow of John Bradshaw late of Medford Inn holder, Dec[d] shewing that her Husband was at great Expence in Providing for his Employment; But for as much as his Licence ceased at his Decease, Praying that the Court of General Sessions for Middlesex may be impowered at their next Term to grant her a Licence to continue in the said Employment untill the Term stated by Law for the granting of Licences.

Legislative Records of the Council, xx., 109. Mass. Archives, cxi., 275.

Read &

*Voted* that the prayer of the petition be so farr granted That the Justices of the Court of General Sessions of the peace for the County of Middlesex at their present Session be & hereby are Impowered (if they See fit) to Grant Licence to the petitioner to Keep a House of publick Entertainment where her Late s[d] Husband Exercised that Employment in Medford She first Obtaining the Approbation of the Select men of S[d] Town the time [for][1] granting of Licences being Elapsed Notwithstanding. [*Passed December 11.*

House Journal, p. 111.

[1] Inserted from Legislative Records of the Council, xx., 109.

## CHAPTER 141.

ORDER GRANTING TO JAMES OTIS LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xx., 109. Mass. Archives, cxix., 622.

House Journal, pp. 107, 108.

A PETITION of James Otis of Barnstable, shewing that he has a Licence for selling Strong Drink for this present Year, that his Son Joseph Otis has been concerned with him in this Business, and for as much as they are minded to carry on the said Business in his Sons House, Praying that the Court of General Sessions of the Peace for the County of Barnstable, may be impowered at their next Term to grant his said Son a Licence.

Read &

*Ordered* that the prayer of the p[et]ition be So farr Granted that the Court of General Sessions of the peace for the County of Barnstable be & hereby [are] [1] authorized & Impowered if they think fit to License Joseph Otis of Barnstable as a retailer of Spirituous Liquors he first Obtaining y^e^ Approbation of the Selectmen of the S^d^ Town of Barnstable. [*Passed December 11.*

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## CHAPTER 142.

VOTE ALLOWING £4 ANNUALLY TO MOSES HOYT.

Legislative Records of the Council, xx., 111. Mass. Archives, lxxiv., 138.

House Journal, pp. 103, 109. Province Laws, xiv., 568, chap. 78.

A PETITION of Moses Hoyt of Newbury, Praying for an additional Allowance in Consideration of the Wounds he received in the Expedition against Cape Breton, his Lameness having rendered him less able to provide for himself and his Family, than he was some Years ago.

Read &

*Voted* that there be Allowed & paid out of the Publick Treasury Annually the Sum of four pounds to the Pet^r^ Moses Hoyt (for his Subsistance) during the Term of his Natural Life. [*Passed December 11.*[2]

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## CHAPTER 143.

ORDER CONFIRMING A PLAT OF 200 ACRES OF LAND TO JN^O^ DENNIS.

Legislative Records of the Council, xx., 108. Mass. Archives, xlvi., 327.

Mass. Archives, xlvi., 327–329. House Journal, p. 109. Province Laws, xiv., 679, chap. 122.

A PLAT of Two hundred Acres of Land, surveyed by Samuel Wheelwright Surveyor, and Chainmen on Oath to fulfill a grant made by the General Court to M^r^ John Dennis, lying on the North side of Phillips Town, bounded as follows; viz^t^ begining at a White Oak Tree marked with the Letters I D, near the Western Corner of Mousan great Pond; from thence runing North East upon the Head of Cox Hall, Two hundred Rods to another White Oak Tree marked as aforesaid; from thence on a North West Course One hundred & Sixty Rods; then South west to Phillips Town Line; and from thence by said Line South East to the first mentioned Bounds:

[1] Inserted from Legislative Records of the Council, xx., 109.

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 12.

The plan of Two Hundred Acres of Land laid out to Satisfy A Grant of the Generel Court to John Dennis presented for Allowance Read &

*Ordered* that the plan be Accepted And the Lands therein Delineated & Described be & hereby are Confirmed to the S$^{d}$ John Dennis his heirs & assigns for Ever provided the Land Exceed not the Quantity of Two Hundred Acres and does not Interfere with any former Grant. [*Passed December 12.*[1]

## CHAPTER 144.

ORDER IMPOWERING BARNABAS FREEMAN, GUARDIAN, TO SELL LAND.

A Petition of Barnabas Freeman, Guardian of Thomas & Mary King Minors, of Harwich, Children of John King jun$^{r}$ deceased, shewing that their Father left them Shares (with the other Children & undivided) of several small Parcells of Land in said Town, which is of little Profit to them, praying for Liberty from this Court to sell the same, for the Benefit of the said Minors,

Read &

*Voted* that the petitioner be & hereby is Impowered to make Sale of the Lands & meadow Mentioned in the Petition and to Execute in due form of Law a Deed or Deeds of Conveyance of Each & Every piece or percel thereof to Such person or persons as Shall give most for the Same provided he give Bond to the Judge of Probates for the County of Barnstable that the produce thereof be Apply d for the benifit of the heirs of John King Deceased According to Law Observing the Directions of the Law Respecting the Sale of Intestate Estates. [*Passed December 12.*[2]

Legislative Records of the Council, xx., 109. Mass. Archives, xix., 30.

House Journal, pp. 109, 112. Province Laws, ii., 151, chap. 10.

## CHAPTER 145.

ORDER IMPOWERING THE SELECT MEN OF PELHAM TO CALL A TOWN MEETING.

A Petition of the Select Men of the Town of Pelham, shewing that in their last March Meeting, the Officers then chosen, thro Inadvertency neglected to take the Oath referring to the Bills of the Neighbouring Governments, which is likely to bring much Confusion upon their publick Affairs, praying Liberty for another Meeting for the Choice of Officers.

Whereas the Town of Pelham in the County of Hampshire when they chose their officers to the respective offices in s$^{d}$ Town in March Last omitted administring to them the Oath appointed by the Law of this Province of the 22$^{d}$ of His present Majesties Reign respecting Bills of Credit of the Neighbor$^{g}$ Governm$^{ts}$ appointed to be Taken by such officers by Means Whereof The several Offices in said Town are vacant & thereby Great Inconveniencies & Diffi-

Legislative Records of the Council, xx., 110. Mass. Archives, ciii., 185.

Mass. Archives, ciii., 187. House Journal, pp. 110, 112. Province Laws, iii., 436, chap. 15.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is December 11.

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 11.

culties have arisen to said Town which Cannot be Remedied but by the Aid & Interposition of this Court

Therefore

*Ordered* That Eleaz[r] Porter Esq[r] be directed & Hereby impowred to issue his Warrant directed to some Inhabitant of said Town requiring Him to warn & give Notice to the Inhabitants of said Town qualified by Law to vote in Town Affairs to Assemble Themselves together at such Time & Place In said Town as by said Warrant shall be appointed to make Choice of such Officers for said Town as shall be necessary & according to Law ought to be Chosen yearly For transacting the Affairs of said Town, & the s[d] Inhabitants being so met are Hereby impowred to make choice of such Officers, & such Officers so Chosen (having first taken the oath afores[d] & the Oaths of their Respective offices) shall have the Like Power in their respective offices as by Law they would have had on their being Chosen according to the Directions of the Law in the Month of March & qualified as aforesaid. [*Passed December 12.*

## CHAPTER 146.

ORDER IMPOWERING SARAH ALLEN, GUARDIAN, TO SELL REAL ESTATE.

Legislative Records of the Council, xx., 110.

Mass. Archives, xix., 9. House Journal, pp. 81, 91, 114. Province Laws, ii., 151, chap. 10.

A PETITION of Sarah Allen Widow of Josiah Allen late of Bridgewater deceased, & Guardian to his only Son and Child, shewing that the Circumstances of the Real Estate of her said Husband are such as to render it very unprofitable both to her Son and herself; and therefore praying that she may be impowered to make Sale of the the [1] said Real Estate for the Heirs Benefit.

Read &

*Ordered* that the Petitioner be & hereby is impowered, in her said Capacity, to make Sale of the Premises for the most they will fetch, and to make and execute a good & sufficient Deed thereof in the Law, the said Petitioner attending the Directions in the Law for notifying the Sale thereof, and giving sufficient Security to the Judge of Probate for the County of Plymouth, that the Proceeds coming by the said Sale be forthwith put to Interest, and be improved for the Benefit of the aforesaid Son & Heir of the said Josiah; saving & reserving one third part only of the annual Income to the aforesaid Widow. during her natural Life instead of her Right of Dower or Thirds in said House and Land. [*Passed December 12.*

## CHAPTER 147.

ORDER IMPOWERING SARAH ROCKWOOD, ADM[X], TO SELL LAND.

Legislative Records of the Council, xx., 111. Mass. Archives, xix., 24.

A PETITION of Sarah [2] Rockwood, Widow & Administratrix of the Estate of John Rockwood of Mendon dec[d] shewing that the Personal Estate falls so far short of paying the Debts, that it will be necessary to sell all the Lands; and for as much as the Session of

[1] *Sic.*

[2] The House Journal, p. 114, reads, "*Deborah.*"

the Superiour Court in the County where they ly is so distant, Praying that this Court would give her Power to sell the same,

Mass. Archives, xix., 23, 25. House Journal, p. 114.

Read &

*Ordered* that the prayer of the within Petition be granted and that the Petitioner in her Capacity As Adm^x^ be and hereby is fully Impowered to make Sale of the land within mentioned & to Execute a good Deed or Deeds of Conveyance to Such person or persons as Shall give most for the Same for y^e^ purposes within mentioned she giving bond with Sufficient suretys to y^e^ Judge of Probate for the County of Worcester for y^e^ mony Arising by Such Sale. [*Passed December 12.*

## CHAPTER 148.

ORDER ALLOWING £3 TO ARTHUR SAVAGE.

A Petition of Arthur Savage setting forth his Services for this Government as one of the Clerks assisting at the drawing of the late Government Lottery, and praying for a proper Allowance from this Court for the same.

Legislative Records of the Council, xx., 111. Mass. Archives, lxxxviii., 37.

Read &

*Voted* that the Sum of Three pounds be Allowed & paid out of the publick Treasury to the Pet^r^ Auth^r^ Savage In full Conideration for his Service as Clerk to the Managers of the Lottery. [*Passed December 12.*

House Journal, pp. 109, 112. Province Laws, iii., 575, chap. 8.

## CHAPTER 149.

ORDER ALLOWING £30. 18. 6 TO JOHN STURTIVANT.

A Petition of John Sturtivant of Plymouth, Praying for the Allowance of his Accompt herewith exhibited, of his Charge in taking Care of two Marriners Strangers who were Shipwrecked near said Place, in the Winter Season; named Hugh M^c^Neal & Francis Birmingham, who were kept & provided for by him at his House, one of whom died being much frozen, when taken, and the Petitioner was at the Charge of his Funeral, the other was frozen to that Degree that it was necessary to cut off both his Feet.

Legislative Records of the Council, xx., 111. Mass. Archives, lxv., 4.

Mass. Archives, lxv., 3-5. House Journal, pp. 109, 114, 115. *Ante*, p. 30, chap. 59.

Read &

*Voted* that there be Allowed & paid out of the Publick Treasury to the Pet^r^ John Sturtevant The Sum of Thirty Pounds 18/6 In full Discharge of his Acc^t^ Herewith Exhibited. [*Passed December 12.*

## CHAPTER 150.

ORDER ALLOWING £16 TO SAM^L^ GRAVES.

A Petition of Samuel Graves of Sunderland, shewing that His Son Samuel Graves by Reason of Wounds he received from the Indian Enemy in Capt Hobbs's Fight fell into Distraction, which for divers Years put the Petitioner to great Trouble & Charge; Praying for some proper Allowance for the same.

Legislative Records of the Council, xx., 111. Mass. Archives, lxxiv., 141.

Mass. Archives, lxxiv., 140. House Journal, pp. 109, 115.

Read &

*Voted* that the Prayer of the Petition be so far granted That there be Allowed & paid out of the Publick Treasury The Sum of Sixteen pounds to the Petitioner Sam[l] Graves In full Satisfaction for his Trouble & Expence in taking Care of his Son Sam[l] Graves Jun[r] who was wounded by the Enemy In Cap Hobbs fight. [*Passed December 12.*

## CHAPTER 151.

ORDER IMPOWERING TABITHA HASEY, ADMIN[x], TO SELL LAND.

Legislative Records of the Council, xx., 115. Mass. Archives, xix., 27.

Mass. Archives, xix., 26. House Journal, p. 114.

A PETITION of Tabitha Hasey Widow & Administ[x] of John Hasey late of Leicester in the County of Worcester dec[d] shewing that her said Husband borrowed Money of One Benjamin Earl, and gave him Security in Land; And for as much as the Estate is greatly in Debt, and it is apprehended the Land would not sell for more than the Money due upon it, praying for Liberty to convey the said Land to the said Earl for the Payment of his Debt

Read and

*Ordered* that the prayer of the Petition be granted and that the Petitioner be & hereby is Impowered to Make Sale of the Land therein Mentioned with the Advice of M[r] Thomas Wheeler of Worcester and to Execute a good Deed or Deeds of conveyance to Such person or persons as Shall give most for the Same provided it will Sell for more than the mony due to Said Earl provided Also that out of the mony arising by Such Sale Said Earls debt be first & Imediately paid she giveing bond with Sufficient Suretys to the Judge of Probate for the County of Worcester for duely Accounting for the Overpluss if any Should be more than the Lands are mortgaged for. [*Passed December 12.*[1]

## CHAPTER 152.

ORDER WITH STAY OF EXECUTION ON THE PETITION OF NATH[L] SPARHAWK FOR REVIEW OF AN ACTION.

Legislative Records of the Council, xx., 112. Mass. Archives, xliii., 767.

Mass. Archives, xliii., 764. House Journal, p. 117. *Ante*, p. 49, chap. 108.

ON THE PETITION of Nathaniel Sparhawk, [*ante*, p. 49, chap. 108]

Read and it appearing that the adverse Party was duly served with a Copy of this Pet[n] and no answer is given in

Therefore

*Ordered* that the Prayer of the Pet[n] be granted and the Execution against the Petitioner therein refer'd to is accordingly stayed untill the next Term of the Superiour Court to be held at Boston for the County of Suffolk and untill Judgement be passed upon the Pet[rs] Action of Review then to be brought Provided the said Benjamin and Nathaniel or either of them give Bond in the Clerk's Office of the Superiour Court of Judicature &c with sufficient security to Ann Knox Administratrix on s[d] Andrew's Estate to prosecute a writ of Review of said Judgment with effect against the said Adminis-

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 14.

tratrix at the next Superiour Court of Judicature &c to be held at Boston in & for the County of Suffolk and to respond the Judgment that shall finally be given on the same writ with Interest thereon from the 13th of Septemr last to the Time of Payment. [*Passed December 13.*

## CHAPTER 153.

VOTE ALLOWING £3 TO ROBERT EAMES.

A Petition of Robert Eams of Marlborô, shewing that his eldest Son was taken by the Indians at Massachusetts Fort (being in the Service of the Province) and carried to Canada; where he died, praying for some Allowance from this Court in Consideration of the Services & Sufferings of his Son.

Legislative Records of the Council, xx., 113. Mass. Archives, lxxiv., 149.

Read and

*Voted* that there be Allowed & paid out of the publick Treasury the Sum of Three pounds to ye Petitioner In full Consideration of the Services and Sufferings of his Son as Mentioned in the Petition. [*Passed December 13.*

Mass. Archives, lxxiv., 149. House Journal, pp. 102, 116.

## CHAPTER 154.

VOTE ALLOWING £4 AND A FURTHER SUM OF £4 ANNUALLY TO VINCENT SHUTTLEWORTH.

A Petition of Vincent Shuttleworth, shewing that he still continues disabled from Labour by Means of his Sufferings in the publick Service, Praying that his Pension from this Court may be allowed to him for the Year last past, & for the Time to come.

Legislative Records of the Council, xx., 113. Mass. Archives, lxxiv., 143.

Read and

*Voted* that the prayer of the Petn be So far granted as that the Sd Vincent Shettleworth have & recieve out of the Publick Treasury the Sum of four pounds for the Year past (Including the thirteen pounds Old Tenor now due to him According to the former grant of the General Court) and that for the future the petr be Allowed the Sum of four pounds Annually as a pension Until this Court shall Otherwise Order and that the sd Sums as they become due be paid Into the hands of Eleazer Metcalf of Wrentham Miller for the Use of the petr And by him to be paid to the petitioner from time to time as he Shall Stand in Need thereof. [*Passed December 13.*

Mass. Archives, lxxiv., 142. House Journal, pp. 103, 116. Province Laws, xiii., 653, chap. 177.

## CHAPTER 155.

ORDER ALLOWING £100 TO THE TOWN OF CHELSEA.

Legislative Records of the Council, xx., 113. Mass. Archives, lxxxvii., 316.

A Petition of the Select Men of the Town of Chelsea, setting forth the distressing and impoverishing Condition brought upon the said Town by the Small Pox spreading among them about two Years since, Praying for a Revisal of their former Petition, and to grant them suitable Relief.

Mass. Archives, lxxxvii., 310. Legislative Records of the Council, xix., 142, 231, 300. House Jour-

nal, pp. 26, 170, 197 (1749); pp. 80, 168, 173, 215 (1750); p. 148 (April, 1753); pp. 111, 118.

Read &

*Voted* that the Sum of One Hundred pounds be Allowed & paid out of the Province Treasury to the Town of Chelsea in Consideration of the Distressing Circumstances & Expences of S[d] Town in the time of the late Small Pox. [*Passed December 13.*

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## CHAPTER 156.

VOTE IMPOWERING JANE & ALEX[A] SCAMMELL, EXECUTORS, TO SELL LAND.

Legislative Records of the Council, xx., 117. Mass. Archives, xix., 18.

A PETITION of Jane Scammell and Alexander Scammell Executors of the last Will and Testament of Samuel Scammell late of Worcester dec[d] Praying that they may be impowered by this Court to sell a House in the Town of Boston with the Land belonging to it, being part of the Estate of the deceased, & the House being in a very ruinous Condition.

Mass. Archives, xix., 17. House Journal, pp. 113, 119. Province Laws, ii., 151, chap. 10.

Read &

*Voted* that the prayer of the Pet[n] be Granted and that the S[d] Jane Scammel & Alex[d] Scammel be Impowered to make Sale of the premisses Mentioned in the pet[n] for the most they will fetch and to Execute in due form of Law a Deed or Deeds for Conveying the Same They to Observe the directions in the Law for the Sale of real Estates PROVIDED the pet[rs] give bond to the Judge of Probate for the County of Worcester that the monies Coming by S[d] Sale be forthwith put to Interest for the benefit of the Several Legatees Agreable to their respective Shares & proportions thereof Saving & reserving only one third part of the Annual Income thereof to the S[d] Jane during the Term of her Natural Life instead of her Dower in Said Estate pursuant to the Will of the Testator. [*Passed December 13.*[1]

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## CHAPTER 157.

ORDER IMPOWERING JONATHAN EATON, ADM[R], TO SELL LAND.

Legislative Records of the Council, xx., 122.

A PETITION of Jonathan Eaton Administrator of the Estate of Zechariah Nichols late of Reading dec[d] praying that he may be impowered to sell a Tract of Land in the Town of Sutton which the said Nichols purchased while it was under Mortgage to James Bowdoin late of Boston Esq[r] dec[d] that so he may be able to pay off the said Mortgage. Read &

Mass. Archives, xix., 39. House Journal, p. 115. Province Laws, ii., 151, chap. 10.

*Ordered* that the Prayer of the Pet[n] be granted, and that the Petitioner be & hereby is impowered to make Sale of the Land above mentioned in his Capacity as aforesaid, and to execute in due Form of Law a good & sufficient Deed or Deeds of Conveyance to such Person or Persons who shall give most for the same; He first obtaining the Consent of the Heirs of James Bowdoin Esq[r] dec[d] and observing the Rules & Directions of the Law of this Province respecting the Sale of Real Estate; Provided he give sufficient

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 14.

Caution to the Judge of Probate for the County of Middlesex, to be accountable for the Produce thereof for the Purposes above mentioned. [*Passed December 13.*[1]

## CHAPTER 158.

ORDER GRANTING TO ABRAHAM BELKNAP LICENCE TO SELL STRONG DRINK.

A Petition of Abraham Belknap of Natick, shewing that he hath been a Cripple from his Birth, and has lately had a Wound in his Right Hand by which he is utterly disabled from getting his Livelihood by his Bodily Labour, and therefore praying that he may be allowed to retail strong Drink in the said Place, and be freed from paying the Excise thereon.

Legislative Records of the Council, xx., 115.

Mass. Archives, cxix., 618–621. House Journal, p. 119.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Justices of the General Sessions of the Peace for the County of Middlesex in their present Session be & hereby are impowered to grant the Petitioner a Licence to retail strong Liquors for the present Year, He obtaining the Approbation of the Committee of the Parish of Natick for that Purpose the Time for granting Licences being elapsed notwithstanding, he entering into a Recognizance, as usual for keeping good Rule & Order, and duly paying the Excise. [*Passed December 14.*

## CHAPTER 159.

ORDER ON QUABIN MEMORIAL ABOUT TAXES.

Whereas the Assessors of the Plantation called Quabbin in the County of Hampshire chosen in the year 1752 for Assessing the Proportion of the Publick Tax set on s^d^ Inhabitants for s^d^ year proceed^d^ (without being thereto appointed) to assess also on s^d^ Inhabitants the sum by them granted to their Minister for his Support in that year Considerable Part of which last assessm^t^ has been collected but some of said Inhabitants agree to pay their Proportion thereof, whereby Great Difficulties have arisen to said Inhabitants, from the suppos^d^ Illegality of said Assessm^t^

Legislative Records of the Council, xx., 115. Mass. Archives, vi., 150.

Mass. Archives, vi., 132–134. House Journal, pp. 110, 118, 119.

Therefore

*Voted* that upon the said Assessors making Oath before the Clerk of said Plantation or before some Justice of the Peace in said County That in making said Assessm^t^ they acted faithfully According to the Directions of the Law in apportioning the Same on said Inhabitants That then the said Assessment shall be Esteem^d^ Valid & Effectual the aforesaid defect notwithstanding & the Collector or Collectors to whom the same Assessm^ts^ are Comitt^d^ shall & hereby are Authoriz^d^ & required to levy & Collect the same as fully & Effectually as they ought to have done if said Assessors had been specially appointed to make S^d^ Assessment. [*Passed December 14.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 18.

## CHAPTER 160.

VOTE ALLOWING 40/ TO WILLIAM PEABODY.

Legislative Records of the Council, xx., 115. Mass. Archives, lxxiv., 148.

House Journal, pp. 103, 121.

A PETITION of William Peabody, shewing that he was in the Service of this Province, as a Lieutenant in the Year 1749, thirteen Weeks of which time he was at the Charge of his own billeting & Sickness, Praying for an Allowance out of the publick Treasury to reimburse the same.

Read and

*Voted* that the prayer of the petition be So far granted that the pet$^{r}$ be Allowed out of the Publick Treasury the Sum of Forty shillings for his Expences in his Sickness Mentioned in the Pet$^{n}$. [*Passed December 14.*

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## CHAPTER 161.

ORDER IMPOWERING THE TOWN OF WRENTHAM TO SELL THEIR SCHOOL LANDS.

Legislative Records of the Council, xx., 116. Mass. Archives, lviii., 390.

Mass. Archives, lviii., 389.

House Journal, pp. 112, 116.

A PETITION of John Goldsbury & others a Committee for the Town of Wrentham, shewing that the Proprietors of the said Town gave a Tract of Land for the Use of the School there, which is now under Lease, and for as much as the said Town are well assured that if the said Land were sold & the Money produced by the said Sale put to Use, and the Yearly Interest employed for the Support of said School, it would be much for its Benefit, therefore Praying the said Town may be impowered by this Court to dispose of the said Land accordingly;

Read &

*Voted* that the prayer of the pet$^{n}$ be granted And that the Town of Wrentham are hereby Enabled & Impowered to Make Sale of the School Lands Mentioned in the pet$^{n}$ for the Most the Same will fetch & to make and Execute a good & sufficient Deed or Deeds of the Same first giving thirty days Notice (in the s$^{d}$ Town of Wrentham) of the time & place of Sale provided also that the money Arising by the Sale be well & Sufficiently secured in the Said Town And the principal Always Kept Good and the Interest only to be apply'd towards the Support of the School in S$^{d}$ Town and that Neither the principal or Interest be apply$^{d}$ to Any Other Use. [*Passed December 14.*

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## CHAPTER 162.

ORDER ON THE PET$^{N}$ OF DIGHTON SELECT MEN IN REGARD TO CALLING TOWN MEETINGS.

Legislative Records of the Council, xx., 117. Mass. Archives, cv., 463.

Mass. Archives, cv., 462. House

A PETITION of Dighton Select Men, shewing that the Persons chosen Constables of the said Town for this Year at the last March Meeting after the Meeting was dissolved refused to serve, and the Constable for the last Year is dead, therefore Praying that some Person may be appointed upon the Select Men's Warrants to notify a Meeting for choosing Constables &c$^{a}$

[Read &]
*Ordered* that the Select-men of the Town of Dighton be and hereby are impowered (when they shall haue Occasion to warn a Town meeting for Transacting the publick affairs of said Town) To Direct their warrant To Mr George Pitts of Said Dighton requiring him to notify & warn the Inhabitants of said Town. and the Said George Pitts is hereby impowered and required upon his receiving any Warrant from the Said Select-men to notify & warn the Inhabitants of Said Town accordingly. and that the meetings had upon Such warning shall be Deemed & held Legall as thô warned by a Constable. Legally Qualified. agreeable to the Law & Practice in this Province. [*Passed December 14.*

Journal, pp. 113, 120.

## CHAPTER 163.

VOTE IMPOWERING THE AGENTS OF THE TOWN OF HARDWICK TO SELL SCHOOL LANDS.

A Petition of the Town of Hardwick, shewing that the Proprietors of said Town did at their first Settlement, set apart two hundred Acres of Land for the Support of a School, and the said Land has lain unimproved ever since, & still likely to do so, & therefore Praying for Liberty to sell it, The Produce thereof to be employed for the same Purpose:
Read &
*Voted* that the prayer of the petn be granted & that the Town of Hardwick be & hereby are Enabled & Impowered to make Sale of the School Lands Mentioned in the Petition for the Most they will fetch & Make & Execute a good Deed or Deeds of the Same first giving thirty days Notice in the Said Town of Hardwick of the time & place of Sale provided Also that the Money Arising by the Sd Sale be well & Sufficiently Secured in the Sd Town and the principal Always Kept Good and the Interest only to be Applyd towards the Support of a School in Sd Town & that Neither principal or Interest be Applyed for any Other Use. [*Passed December 14.*

Legislative Records of the Council, xx., 117. Mass. Archives, lviii., 394.

Mass. Archives, lviii., 393. House Journal, pp. 112, 115, 116. Province Laws, xi., 656, chap. 17.

## CHAPTER 164.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED ON NATICK AFFAIRS.

A Petition of Ebenezer Felch & others, English Inhabitants of the District of Natick, representing the Difficulties they ly under, by Reason of the present Situation of their Meeting House, praying that they may have Liberty & Power to pass Votes respecting a more convenient Place for the Worship of God.
A Petition of John Sawen & eight others, English Inhabitants of Natick, shewing that the Reason why they did not give in their Names into the Secretary's Office (to signify their desire in joining with others for the Support of the Minister over the Indians) was the hope they had that the Inhabitants would have agreed on the Place of the Meeting House, by which Means they have lapsed the

Legislative Records of the Council, xx., 28, 59, 118.

Mass. Archives, xiii., 430–451. Maps and Plans, Mis., xxxiii., 18. Legislative Records of the Council, xix., 460, 482; xx., 86, 112. House Journal, pp. 46, 81, 113, 123, 124. Province

Laws, xiii., 581, chap. 314; xiv., 442, chap. 84.

Time limitted; Praying that they may now be admitted to Join with Capt Morse & others of their Bretheren that are already united with the Indians under the Rev^d M^r Badger, & that their Persons & Estates may be exempted from the Charge of the Ministry in any other part of Natick.

The Committee appointed to consider the Petition of Ebenezer Felch & others, and the Petition of John Sawen & others, and the Petition of sundry Inhabitants of Natick; having heard the Parties & fully considered the same, beg Leave to report that it appears to the Committee that David Morse & his Associates, together with John Sawen & eight others, have contributed towards the building the Meeting House in Natick, and entered into a Contract to pay a certain Sum, said to be Thirteen Pounds six shillings & eight pence, Lawful Money ꝑ Annum towards the Support of the Rev^d M^r Stephen Badger, the Minister there; And the Commissioners of the Hon^ble Corporation in England, and the Corporation of Harvard Colledge, have likewise advanced a considerable Sum towards building the Meeting House, and agreed to pay the said M^r Badger Fifty Pounds Sterling per Annum, equal to about Sixty Six Pounds, thirteen shillings & four pence Lawful Money; upon which Encouragement M^r Badger settled in the Place, and took the Oversight of a second Church embodied there some time in March last; Which Church consists of a Number of Indians and some English Inhabitants; viz^t David Morse and his Associates who had been by this Court freed from Parish Taxes for the Support of the Ministry in Natick upon certain Conditions, which the said David Morse & his Associates had complied with. It appears further to the Committee that the first Church in Natick, and the other Inhabitants, who were not concerned in M^r Badgers Settlement, are not at present able to build an other Meeting House, nor to Support an other Minister in Natick, but seem desirous of uniting with the second Church, and forming themselves into one Church & Parish: The Committee are therefore of Opinion, That in Case the first Church in Natick shall, within six Months from this Time, be regularly united [&] [1] embodied with the second Church there, and receive and own M^r Badger as Pastor thereof; and the Parish shall engage to raise towards his Support a Sum, not less than Thirty three Pounds six shillings & eight pence, Lawful Money per Annum, and shall engage to pay Twenty Pounds three shillings & four pence, part thereof to the Treasurer of the Commissioners and to the Treasurer of Harvard College, or their Order in equal Halves, that then the said Parish shall have Liberty to remove the New Meeting House from the Place where it now stands, to the Place where this Court formerly allowed this House to be placed, near to William Thomas's House, and not exceeding Forty Rods to the Westward thereof; Provided they shall set it up there & finish it to the Approbation of this Court within Six Months as aforesaid at the Charge of the [whole] [1] Parish; and shall likewise reimburse to Capt David Morse & others the several Sums they have advanced towards building the said House; and likewise their Proportion of the Charge of Removing the same; An Accompt of the whole being first laid before this Court for their Allowance; and upon the Compliance of the Parish herewith, the said David Morse & others who have agreed to pay M^r Badger as aforesaid the Sum of Thirteen Pounds six shillings & eight pence per Annum shall be freed from

[1] Inserted from the State Library copy, Legislative Records of the Council, xx., 115.

the said Contract; and again subjected to all Parish Taxes, any former Order of this Court to the Contrary notwithstanding,

The Committee are further of Opinion that the Commissioners & Corporation aforesaid should be furnished with a Copy of this Report or of the Order of Court thereupon for their Consideration; and further, That in Case of the Non Compliance of the first Church in Natick, and the Parish there, with the Order of the Court hereon, That then the Petition of John Sawen & eight others prefer'd to this Court at their Session in May last, be so far granted, as that the Petitioners with their Estates be annexed to Capt David Morse and his Associates, and be freed from doing Duty in the Parish of Natick for the future; they paying towards the Support of the Ministry agreable to their Contract with said Mr Badger; all which is humbly submitted.

In the Name and by Order of the Committee,

John Greenleaf.

Read & Accepted; Provided the Commissioners for Indian Affairs & the Corporation of Harvard College, shall by a Vote of their respective Bodies signify their Agreement to the Uniting the two Societies in Natick on the Terms mentioned in this Report. [*Passed December 14.*

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## CHAPTER 165.

VOTE IMPOWERING SAML MILBERRY & MARY NORWOOD, ADMRS, TO SELL LAND.

A Petition of Samuel Milberry & Mary Norwood Administrators of the Estate of Gustavus Norwood late of York decd shewing that the Personal Estate is not sufficient to pay the Debts, and that it will be a great Prejudice to sell a part only of the Real, Praying Liberty to sell the whole Real Estate, they to be accountable for the Residue after the Debts are paid.

Legislative Records of the Council, xx., 119. Mass. Archives, xix., 34.

Read &

*Voted* that the prayer of the petition be granted and that the said Samuel Milberry & Mary Norwood be and hereby are Impower'd to make Sale of the Lands mention'd in the Petition for the most they will fetch and to Execute a Deed or Deeds to Such Person or Persons who Shall purchase the Same Observing the Directions of the Law with respect to the Sale of Real Estates and the money arising by said Sale to be Improv'd in the following manner Vizt In the first place to pay the Just Debts of the Said Gustavus Norwood Deceasd and Charges of sd Sale and the overplus to be let out on Interest for the benefit of the Heirs of the said Gustavus Excepting one third part of the Yearly Interest of sd Money to be for said Mary during the time of her Natural life and that the Petitioners Give Bond to the Judge of Probate for the County of York that the proceds of sd Sale shall be applied in Manner aforesd. [*Passed December 15.*

House Journal, pp. 31, 39, 113, 123. Province Laws, ii., 151, chap. 10.

## CHAPTER 166.

VOTE IMPOWERING CHILDREN AND GUARDIANS OF CHILDREN OF PHILLIP AUDEBURT TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 121. Mass. Archives, xix., 66.

House Journal, pp. 111, 122. Province Laws, ii., 151, chap. 10.

A PETITION of the Children of Philip Audeburt late of Boston dec$^{d}$ Intestate and the Guardians of such of the Children as are under Age, setting forth the Necessity of selling a House & Land belonging to the Intestate's Estate situate in Kingstreet in Boston, and therefore praying for Liberty from this Court for selling the same, for paying the Intestates Debts,

Read &

*Voted* that the Prayer of the Petition be Granted And That the Said Petitioners be authorized to make Sale of the House & appurtenances In Kings street in Boston Afore S$^{d}$ lately belonging to Philip Audebert late of Boston Dec$^{d}$ for the Most it will fetch & to Execute a Good Deed or Deeds of the Same They Observing the Law respecting the Sale of real Estates And giving Security to the Judge of Probate for the County of Suffolk that the proceeds of s$^{d}$ Sale be Apply$^{d}$ in the first place to Discharge the Mortgage on the Premisses & afterwards the Other Just Debts of the S$^{d}$ Dec$^{d}$ And that the Remainder (after the Said Philip Son of the Dec$^{d}$ has had his part Share or proportion thereof) be put out at Interest by S$^{d}$ Guardians & Interest & principal Apply'd as Occasion shall require to the Maintenance & Education of the Minors & whatever May remain when they Shall come of Age be delivered to s$^{d}$ Minors According to their Respective shares all reasonable Charges being first Deducted The S$^{d}$ Guardians to be Accountable to the Judge of Probate for the time being of the County Afores$^{d}$ for their proceeding herein. [*Passed December 15.*[1]

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## CHAPTER 167.

VOTE ALLOWING £6. 13. 4 TO JOHN RUDDOCK.

Legislative Records of the Council, xx., 120. Mass. Archives, cv., 460.

Mass. Archives, cv., 459, 461. House Journal, pp. 123, 128.

A PETITION of John Ruddock of Boston, praying that he may be allowed by the Province the Value of a wooden Building erected upon Castle Island, by one Thompson, and purchased by the Pet$^{r}$ the Government having taken the said Building to their own Use.

Read &

*Voted* that the Sum of Six pounds 13/4 be Granted & paid to the Pet$^{r}$ John Ruddock in full Consideration for the building mentioned In the Pet$^{n}$ or if it be More Agreeable to the s$^{d}$ Ruddock to remove the Same as was first Intended that he have liberty So to do without his paying Any Consideration for the Stuff that was put into the building which belonged to the Province. [*Passed December 18.*

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 18.

## CHAPTER 168.

VOTE IMPOWERING ELIZABETH LAWRENCE, INDIAN, TO SELL LAND.

A Petition of Elisabeth Lawrence of Natick, Indian, Praying for Liberty from this Court to sell Twenty five Acres of her own Land, in Natick, for discharging the Debts contracted by her late Husband and her Sister Ann Brooks of Natick now dec[d]

Legislative Records of the Council, xx., 120. Mass. Archives, xxxii., 442.

Read and thereupon

*Voted* that the Prayer of the Petition be so far granted as that the Pet[r] have leave with the Advice and Assistance of y[e] Guardian's of the Natick Indians to sell so much of the Land therein mentioned as will pay the sum of sixteen Pounds eight shillings they to be accountable to this Court for their Proceedings herein. [*Passed December 18.*

Mass. Archives, xxxii., 440. House Journal, p. 129. Province Laws, xiv., 39, note.

## CHAPTER 169.

ORDER ERECTING THE NORTH PARISH IN SUNDERLAND INTO A SEPARATE DISTRICT.

A Petition of the North Parish in the Town of Sunderland, setting forth the Inconveniences they are under by being continued as a part of the said Town, and Praying that they may be set off & made a seperate District.

Legislative Records of the Council, xx., 83. Mass. Archives, cxvi., 449.

Read with the Answer of the Rev[d] M[r] Prince & D[r] Chancey &

*Ordered* that the prayer of the Petition be So far granted that the petitioners be Allowed to bring in a Bill to Erect the S[d] North Parish in Sunderland Into a Seperate District[1] And that there be a Tax of one half penny ℔ Acre laid on the Unimproved lands in S[d] Parish for the Term of three Years And Also that there be Added to the Next province Tax that shall be laid on the Other part of the Said Town of sunderland the Sum of thirty one pounds which shall be by the province Treasurer paid to the Inhabitants of the present Northerly parish in S[d] Town. [*Passed December 18.*

Mass. Archives, cxvi., 448–455. Legislative Records of the Council, xx., 121. House Journal, pp. 68, 124, 126. Province Laws, iii., 713, chap. 22.

## CHAPTER 170.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR FARMING EXCISE IN THE COUNTY OF BRISTOL AND ALLOWING £2. 9. 8 EXPENSES THEREON.

The Comitte Appointed by the Great & General Court To Farm out the Excise for the County of Bristol for one year from the Ninth Day of Iuly Last. have attended that Service & have farmed out the Same To Capt[n] George Morey of Norton for the Sum of One hundred & Thirty pounds Lawfull money and have Taken Bond with Sufficient Suretys for the payment of the same and have Lodged Said Bond, with the Province Treasurer and the Committe pray for the following Allowance

Legislative Records of the Council, xx., 121. Mass. Archives, cxix., 625.

Read &

*Ordered* that the Above Report be Accepted & the Sum of Two pounds 9/8 be Allowed & paid to the Said Com[tee] for their Trouble & Expences in farming S[d] Excise. [*Passed December 18.*

House Journal, p. 129. *Ante*, p. 27, chap. 51.

[1] Called "Montague." — Province Laws, iii., 713, chap. 22.

## CHAPTER 171.

ORDER OF NOTICE ON THE PETITION OF SILVAN$^{S}$ BARROW FOR PERMISSION TO ENTER AN APPEAL.

Legislative Records of the Council, xx., 122. Mass. Archives, xliii., 772.

Mass. Archives, xliii., 772-782. House Journal, pp. 125, 126.

A PETITION of Silvanus Barrow of Middleborough, shewing that at the Inferiour Court held at Springfield in August last, an Action was tried between him & Obadiah Dickenson, that Judgment was against the Petitioner who was unavoidably hindered from attending at the said Court; and his Attorney contrary to the Petitioners Order neglected to enter an Appeal; Praying that this Court would admit him to appeal to the next Superiour Court, & that Execution be stayed in the mean time,

Read &

*Ordered* that the petitioner Serve the Adverse party Ob. Dickinson with a Copy of this Petition that he Shew Cause (if any he have) on the Second Fryday of the Next sitting of this Court why the prayer thereof Should not be granted provided the Petitioner give Bond with sufficient sureties Unto the Sheriff of the County of Plymouth To pay with Interest from this time the Sum s$^{d}$ Dickinson may finally Recover Against the Petitioner. [*Passed December 18.*

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## CHAPTER 172.

ORDER DIRECTING THE PROVINCE TREASURER TO DELIVER TO SAM$^{L}$ WHITE, ESQ$^{R}$, A BOND GIVEN BY HIM.

Legislative Records of the Council, xx., 122. Mass. Archives, cxix., 624.

House Journal, p. 126.

A PETITION of Samuel White of Taunton Esq$^{r}$ shewing that he has suffered considerable Loss by taking the Excise for the County of Bristol for three Years that he has paid off his two first Bonds and also his last Bond saving about Six Pounds, Praying for an Order to the Treasurer to deliver that Bond up discharged or otherwise Relieve the Petitioner,

Read &

*Ordered* that the prayer of the Petition be Granted & that the province Treasurer be Allowed and Directed to Deliver to the pet$^{r}$ Sam$^{l}$ White Esq$^{r}$ his bond for the Year 1750. [*Passed December 18.*

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## CHAPTER 173.

ORDER ERECTING DIVERS INHABITANTS OF NEW CASCO WITH THEIR ESTATES INTO A SEPARATE PARISH.

Legislative Records of the Council, xx., 81. Mass. Archives, cxvi., 444.

Mass. Archives, cxvi., 440-447. Legislative Records of the Council, xx.,

A PETITION of Nathaniel Noyes, Ichabod Clarke & fifty others, Inhabitants of that Part of Falmouth called New Casco, lying between North Yarmouth & the Easterly Side of Pesumscot River, setting forth the great Inconveniences they are under to attend the publick Worship, & Praying that they may be set off a seperate Parish, according to the Bounds set forth in the Petition.

Read and

*Ordered* that the Prayer of the Pet$^{n}$ be so far Granted, as that

all the Inhabitants on the Easterly side of Pesumpscot River be set off as a seperate Parish begining at North Yarmouth Line near the Sea, and from thence running by the Bay to Pesumpscot River, and thence up said River as far as the Westerly Side of M^r James Winslows Sixty Acre Lot on which his now dwelling House Stands, and from thence to run a Northwest Line, to the head of the Township Including Mackworths Island Clapboard Islanld and Little Jabeeg; and as many of the Inhabitants of the first Parish in Falmouth as shall see Cause,[1] that live on the Westerly side of said Pesumpscot River convenient to said Parish have Liberty to Join with them with their Estates on which they dwell within twelve Months, they transmitting into the Secretarys Office a List of their Names for Confirmation within said Term and That the Said Inhabitants be vested with the Powers and Privileges which other Parishes within this Province do, or by Law ought to enjoy. [*Passed December 18.*

122. House Journal, pp. 74, 128, 129.

## CHAPTER 174.

ORDER GRANTING TO ELIZABETH LIBBY LICENCE TO KEEP AN INN.

A Petition of Elisabeth Libbey of Falmouth in the County of York shewing that she is conveniently situated & well provided to keep a Tavern in the said Town, therefore praying that the Court of Sessions of the Peace for said County may be impowered to grant her a Licence at the next Term.

Read &

*Ordered* that the prayer of the petition be So far granted that the Justices of the Court of General Sessions of the peace Next to be Holden in the County of York be Impowered (if they See fit) to Licence the petitioner to keep a house of publick Entertainment in s^d Falmouth She first Obtaining the Approbation of the Selectmen of S^d Town. [*Passed December 18.*

Legislative Records of the Council, xx., 123. Mass. Archives, cxi., 280.

Mass. Archives, cxi., 279. House Journal, pp. 126, 127.

## CHAPTER 175.

VOTE IMPOWERING HANNAH UNDERWOOD [ADM^X] TO SELL REAL ESTATE AND MAKING PROVISION AS TO THE PROCEEDS.

A Petition of Hannah Underwood Widow [Adm^x,] of Joshua Underwood late of Mendon dec^d Praying that She may be enabled to sell thirty Acres of Land at Wiscasset belonging to his Estate, she not being able to perform the Conditions of holding it, & to prevent it's being forfieted.

Read &

*Voted* that the prayer of the Petition be granted and that the petitioner in her Capacity be & hereby is Authorized to make Sale of the premisses Mentioned In the petition for the most that may be & to Execute a Good Deed or Deeds in the Law of the Same she first Observing the Law respecting the Sale of Intestate Estates Giving security to the Judge of Probates for the County of worcester that the proceeds of Such Sale shall be Duly Apply'd for the payment of the Just Debts of her late Husband Joshua Underwood

Legislative Records of the Council, xx., 123. Mass. Archives, xix., 8.

Mass. Archives, xix., 7. House Journal, pp. 119, 120, 127. Province Laws, ii., 151, chap. 10.

[1] The words "as shall see Cause," are underlined in the original MS.

Deceased And the Remainder thereof After the Debts are paid be put out at Interest reserving only to her own Use as her right of Dower one third of the Interest of S$^{d}$ Money for the Benefit of her Children And that the remainder both principal & Interest be Delivered them respectively (Necessary Charges being first Deducted) when they Shall arrive at Lawfull Age she the S$^{d}$ Hannah to be Accountable to the Judge of Probate for the time being for the County of worcester for her proceedings in the premisses. [*Passed December 18.*

## CHAPTER 176.

VOTE IMPOWERING JAMES BOUTINEAU & W$^{M}$ BOWDOIN, GUARDIANS, TO SELL REAL ESTATE.

Legislative Records of the Council, xx., 123. Mass. Archives, xix., 21.

Mass. Archives, xix., 22. House Journal, p. 127.

A PETITION of James Boutineau, and William Bowdoin, Guardians of five of the Children of Belthazer Bayard, shewing that in the Division of the Estate of their Grand father James Bowdoin dec$^{d}$ a House and Land and divers small Lots in the Town of Eastham fell to their Share, all which is sinking in its Value, therefore Praying for Liberty from this Court to sell the same, for the greater Benefit of the said Minors,

[Read &]

*Voted* that the Prayer of s$^{d}$ Petition Be Granted and yt the Petitioners In their s$^{d}$ Capacity Be and Hereby are Impowered to make sail of the Real Estate mentioned In Their Petition for the most it will sell for and to Execute a Deed or Deeds of Sale for the Passing the Title of the Same and that the moneys ariseing By S$^{d}$ sale Be Lett out on Interest for the Benifitt of their Wards and That the s$^{d}$ Guardians Giue Bond to the Judge of Probate for the County of Suffolk For the faithfull Performance of Their Trust In this matter. [*Passed December 18.*

## CHAPTER 177.

VOTE IMPOWERING BENJ$^{A}$ STARR TO SURVEY AND LAY OUT 100 ACRES OF LAND.

Legislative Records of the Council, xx., 124. Mass. Archives, xix., 65.

House Journal, pp. 116, 128. Province Laws, xi., 738, chap. 69.

A PETITION of James Wright, Attorney to Benjamin Starr praying for an Equivalent in Consideration of seventy Acres of Land, taken off (from a Grant of 250 Acres made by this Court in 1733, to the Heirs of Capt Weld) by the runing of the Lines of the Township called Nitchewogg.

Read &

*Voted* that the s$^{d}$ Benj$^{a}$ Starr have Liberty to survey & lay out One Hundred Acres of the Unappropriated lands of the province And Return A plan thereof to this Court in twelve Months for Confirmation for that part of a Grant of Land made by this Court Some Years Since & Now belonging to the S$^{d}$ Benj$^{a}$ Starr by Mistake was laid out in the Township of Nicherwoag. [*Passed December 18.*

## CHAPTER 178.

VOTE ACCEPTING REPORT OF Y^E STATE OF THE CASE REFER^G TO THE BOUND^Y W^TH NEW YORK COLONY.

Legislative Records of the Council, xx., 130. Mass. Archives, iv., 436.

Samuel Watts Esq^R from the Committee of both Houses (appointed for that Purpose) gave in their Report of the State of the Case referring to the Dispute between this Province, and that of New York respecting their Boundaries:

Mass. Archives, iv., 424–437. Legislative Records of the Council, xx., 104. *Ante*, p. 53, chap. 120.

[The report] Read & accepted[1] & the Committee are ordered to prepare a Letter to M^r Agent Bollan to accompany this State of the Case with proper directions relative to it & to report the same.[2] [*Passed December 18.*[3]

## CHAPTER 179.

ORDER GRANTING TO GEORGE TILLEY LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 123. Mass. Archives, cxi., 277.

A Petition of George Tilley of Boston Retailer, Praying that the Court of General Sessions of the Peace for Suffolk may give him a Licence to keep Tavern in a House in Ann Street, which has been improved in that Way.

Mass. Archives, cxi., 276. House Journal, p. 131.

Read and

*Ordered* that the Prayer of the Pet^n be so far Granted as that the Justices of the General Sessions of the Peace for the County of Suffolk at their next ensuing Sessions be and hereby are impowered to Grant the Pet^r a Licence to keep a Tavern in the Town of Boston the remaining part of the Year Provided he Obtain a Recommendation from the Select Men of the Town of Boston for that Purpose the Time for Granting Licences being elapsed notwithstanding. [*Passed December 19.*[4]

## CHAPTER 180.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE IN THE COUNTY OF BARNSTABLE AND ALLOWING £1. 18. 8 FOR THE EXPENSES THEREOF.

Legislative Records of the Council, xx., 125. Mass. Archives, cxix., 626.

The Committee Apointed to Farm the excise in the County of Barnstable For the Year 1753. Have met And Attended that Service And Have Farmed s^d Excise to David Gorham Esq^r For One Hundred Thirty Four pounds Two Shillings And Eight Pence Lawfull Money of this Province And Have taken Bond with Sureties for the Payment of the Same Pursuant to Law And have Lodged s^d Bond with the Province Treasurer And pray An Allowance for their trouble And Expences As Follows: viz^t, [£]1.18.8

House Journal, p. 130. *Ante*, p. 27, chap. 50.

℔ order of the Committee John Otis

[1] Owing to the length of the report it is not printed with the chapter. It may be found in Mass. Archives, iv., 424–437.

[2] Not found in the House Journal.

[3] This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 22.

[4] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 18.

Read &
*Ordered* that the Above Report be Accepted & that the sum of One pound 18/8 be Allowed & paid the S$^{d}$ Com$^{te}$ for their Trouble & Expence in farming s$^{d}$ Excise. [*Passed December 19.*

## CHAPTER 181.

ORDER ALLOWING THE ACCO$^{T}$ OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative Records of the Council, xx., 125.

House Journal, pp. 8, 130.

AN ACCOMPT presented by Edward Winslow Esq$^{r}$ Treasurer of the County of Plymouth for the Year 1752, Having been by him laid before the Court of General Sessions of the Peace for the said County and by them allowed.
Read &
*Ordered* that the within Accompt be allowed, and that the Ballance thereof being Seventy seven Pounds six Shillings & four pence, the said Treasurer is further accountable to said County for. [*Passed December 19.*

## CHAPTER 182.

ORDER GRANTING TO SAM$^{L}$ BRADFORD LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 125. Mass. Archives, cxi., 282.

Mass. Archives, cxi., 281. House Journal, p. 130.

A PETITION of Samuel Bradford of Middleton in the County of Essex, shewing that he is much desired by Persons concerned to set up a Tavern in the said Town, where at Present there is none; Praying that the Court of General Sessions of the Peace for said County may be allowed to grant him Licence.
Read &
*Ordered* that the prayer of the Petition be so far granted that the Justices of the Court of General sessions of the peace for the County of Essex are hereby Impowered at their Next Term (if they See fit) to Licence the pet$^{r}$ to keep a Publick House of Entertainment In the Town of Middleton The time for Granting of Licences being Elapsed Notwithstanding he first Obtaining the Approbation of the selectmen of S$^{d}$ Town. [*Passed December 19.*

## CHAPTER 183.

ORDER GRANTING TO HENRY BARNS LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xx., 126. Mass. Archives, lix., 399.

Mass. Archives, lix., 398. House Journal, p. 130.

A PETITION of Henry Barnes of Marlborô, Praying that the Court of General Sessions of the Peace for the County of Middlesex may be impowered at their present Session to grant him a Licence to sell by Retail a spirituous Liquor which he distills off of Cyder.
Read &
*Ordered* that the Prayer of the Petition be so far granted that the Justices of the Court of General sessions of the peace for the County of Middlesex are hereby Impowered (if they See fit) at their Present or at their Next Term to Licence the pet$^{r}$ to Sell by Retail

In S$^{d}$ Town such Spirituous Liquors as he shall Distill he first Obtaining the Approbation of the selectmen of Marlborô the time for Granting Licences being Elapsed Notwithstanding. [*Passed December 19.*

## CHAPTER 184.

ORDER GRANTING TO ISAAC WHITNEY LICENCE TO KEEP AN INN.

A Petition of Isaac Whitney of Biddeford in the County of York, Praying that the Court of General Sessions of the Peace for the said County, may by this Court be impowered at their next Term, to grant the Petitioner a Licence to keep Tavern in the said Town of Biddeford,

Legislative Records of the Council, xx., 126. Mass. Archives, cxi., 274.

Read &

*Ordered* that the prayer of the pet$^{n}$ be so far granted that the Justices of the Court of General sessions of the peace for the County of York be Impowered (if they think fit) to Licence the pet$^{r}$ to keep a house of publick Entertainment in S$^{d}$ Biddeford he first Obtaining the Approbation of the selectmen of S$^{d}$ Town The time for Granting of Licences being Elapsed Notwithstanding. [*Passed December 19.*

Mass. Archives, cxi., 273. House Journal, p. 129.

## CHAPTER 185.

ORDER IMPOWERING SARAH STANIFORD, EXECUTRIX, TO BRING FORWARD A WRIT OF REVIEW.

A Petition of Sarah Stanniford Execut$^{x}$ of John Stanniford late of Boston dec$^{d}$ shewing that She was in that Quality summoned by a Deputy Sheriff's reading to her a Paper she understood not, to appear at the Inferiour Court of Common Pleas in the County of Essex to Answer to the Suit of John Calef, but she mistaking it to be a Citation to appear before the Judge of Probate for the said County, neglected to attend at the said Court to defend the said Action which she could easily have done; By which Means Judgment went against her by Default, Of all which she was intirely ignorant, till the Officer came & levied the said Execution on her Testator's Estate in her Hands; praying that she may be impowered to review the said Action, & if need be, to pursue it in the Superiour Court, and that the said Court may be directed to try the same till it come to final Judgment.

Legislative Records of the Council, xx., 104. Mass. Archives, xix., 57.

[Report] Read & not Accepted & thereupon

*Ordered* that the Prayer of the Petition be so far granted as that the Pet$^{r}$ in her Capacity of Executrix be & hereby is enabled to bring her Writt of Review on the Judgm$^{t}$ within mentioned at the next Infer$^{r}$ Court of Common Pleas to be holden for & within the County of Essex, she to attend the Directions provided by Law in Case of bringing forward a Writ of Review; And the Justices of the said Court are hereby impowered to order an issuable Plea upon the original Writt, & to hear & determine upon the Action of Review in like manner to all Intents & Purposes whatsoever as if the Default referr'd to in the Petition had not been made. [*Passed December 20.*

Mass. Archives, xix., 53–57. Legislative Records of the Council, xx., 114, 126. House Journal, pp. 118, 123, 132, 133.

## CHAPTER 186.

VOTE ALLOWING £4. 16 TO NATH[L] GARDNER.

Legislative Records of the Council, xx., 127. Mass. Archives, lxxiv., 146.

A PETITION of Nathaniel Gardner of Pembroke, Praying to be reimbursed, by Order of this Court, the Charge he was at for Nursing & Doctors in his Sickness contracted while he was in the publick Service in the late War.

Mass. Archives, lxxiv., 146. House Journal, pp. 131, 133.

Read &

*Voted* that there be Allowed & paid out of the Publick Treasury to the pet[r] Nat[l] Gardner the sum of four pounds sixteen shillings to Enable him to pay his Nursing & Doctor as Mentioned in the petition. [*Passed December 20.*

## CHAPTER 187.

VOTE IMPOWERING PHINEAS & SARAH BLOOD TO SELL REAL ESTATE.

Legislative Records of the Council, xx., 127. Mass. Archives, xix., 29.

A PETITION of Phineas Blood & Sarah his Wife, late Widow of Ebenezer Miriam jun[r] of Concord dec[d] shewing that the real Estate of the said Ebenezer is under such Circumstances as to be very unprofitable both to his Widow & Children, Therefore Praying that the said Estate may be sold, and the Produce thereof improved for the best Advantage of both:

Mass. Archives, xix., 28. House Journal, pp. 131, 132. Province Laws, ii., 151, chap. 10.

[Read &]

*Voted* that the prayer of the Petition of Phinehas Blood & Sarah Blood, be So far granted as that the Said Phinehas & Sarah with the Consent and approbation of Nathaniel Whittemore of Concord be and hereby are authorized & impowered to make Sale of the Buildings & Lands therein mentioned for the most the same will fetch and to make and Execute a good Deed or Deeds of the same they observing the Direction of the Law respecting the Sale of Real Estates. Provided also they Give Sufficient Caution To the Judge of Probate for the County of Middlesex that the principal Sum arising by Said Sale Shall at the Decease of the Said Sarah be paid to the Two Daughters of Ebenezer Merriam Jun[r] Dec[d] or their Legall representatives. agreeable to the Will of the Said Ebenezer. [*Passed December 20.*

## CHAPTER 188.

VOTE DIRECTING WALTER M[c]FARLAND, INTERPRETER, TO REPORT AT BOSTON.

Legislative Records of the Council, xx., 128. Mass. Archives, cviii., 521.

THE COM[TEE] on His Excellency's Message of the 14[th] Instant beg Leave to report in part; viz[t] that His Excellency the Governour be desired to give Orders that Walter M[c]Farland, the present Interpreter at Richmond repair directly to Boston in order to perfect himself in Reading, Writing & Cyphering, The Cost of which, together with his Boarding for three or four Months, to be at the Charge of the Province; and that Robert Dewee; who hath some

Legislative Records of the Council, xx., 114, 119. House Journal, pp. 101, 121, 134.

Knowledge of the Indian Tongue be sent to Richmond, and be employed as Interpreter during the Absence of the said Walter.

Jacob Wendell by Order.

Read & Accepted. [*Passed December 21.*

## CHAPTER 189.

VOTE IMPOWERING EBENEZER NICHOLS, GUARDIAN, TO SELL LAND.

A Petition of Ebenezer Nichols, Guardian of Samuel Pool of Reading a Minor, shewing that the Judge of Probate for the County of Middlesex hath settled the Estate of the said Samuel's Father upon him, he to pay the other Heirs their Proportions, that one of the Sisters is about marrying, and the Said Samuel (who will be for ten Months longer under Age) is desirous to have a Piece of Pasture Land sold to pay his Sister, Therefore Praying that the Petitioner may be enabled to sell the said Land.

Legislative Records of the Council, xx., 128. Mass. Archives, xix., 50.

Mass. Archives, xix., 49. House Journal, p. 135 *bis*. Province Laws, ii., 151, chap. 10.

[Read &
*Voted*] [1]

That the Petitioner Ebenr Nichols in his Capassity of Gaurdean to Saml Pool be Impowerd and Innabled to make Sale of sd Land mentioned in the petition for the most it will fetch, and to Execute a good Deed or Deeds in the Law for Conveying the Same He to Observe the Directions in the Law for the Sale of Reale Estates and Give Caution to the Judge of probate for the County of middlesex, that the proceeds of Said Sale be Improved in paying the Said Minors Sister her Share or Rite in her late fathers estate, and the overplus (if any be) to be Improved to the best advantage of Said minor. [*Passed December 21.*

## CHAPTER 190.

VOTE IMPOWERING ESTHER HARRINGTON, ADMINISTRATRIX, TO SELL REAL ESTATE.

A Petition of Esther Harrington, Widow & Administratrix of the Estate of Adino Harrington late of Weston decd shewing that the personal Estate is insufficient to pay the Debts, that the Real Estate cannot conveniently be divided; Therefore Praying that she may be impowered to sell the whole, the Residue after the Debts are paid to be put out on Interest:

Legislative Records of the Council, xx., 128. Mass. Archives, xix., 32.

Mass. Archives, xix., 31. House Journal, pp. 131, 134, 135. Province Laws, ii., 151, chap. 10.

[Read &]

*Voted* that the prayer of the Petition of Esther Herrington be so far granted as that the Said Esther in her Capacity of administx be and hereby is authorized & impowered to make Sale of the Dwelling House & Land therein mentioned for the most the Same will fetch and to make & Execute a good Deed or Deeds of the Same. She observing the direction of the Law respecting the Sale of Real Estates. Provided also She Give Sufficient Caution to the Judge of Probate for the County of Middlesex that the produce arising by Said Sale (after the Just Debts of her Late Husband Adino Her-

[1] Inserted from Legislative Records of the Council, xx., 128.

rington be paid out of the Same) be Secured on Interest for the heirs of the Said Adino & the s[d] Esther to receive only one Third part of the Interest. of the money remaining after the Debts of the S[d] Adino are paid as afors[d] & the remainder to be for the heirs of the Said adino. [*Passed December 21.*

## CHAPTER 191.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE TO FARM EXCISE FOR THE COUNTY OF SUFFOLK AND ALLOWING £6. 19. 4 EXPENSES THEREOF.

Mass. Archives, cxix., 627.

House Journal, p. 135. *Ante*, p. 25, chap. 44.

THE COMMITTEE appointed to farm out the Excise on Licquer &c[a] in the County of Suffolk, have Attended that Service, and Sold it to the highest bidder M[r] Samuel Adams of Boston for Two Thousand and Thirteen Pound Six Shillings and Eight Pence Lawfull money for One Year, which will End the Ninth of July 1754 and taken a bond executed by Said Samuel Adams, John [1] and Elisha Jones for the Payment of the aforesaid Sum [1] Treasurer of the Province to whom wee have Delivered sd [1] as ꝑ his receit herewith, and the Committee Pray Allowan [1] the Account Hereunder

JACOB WENDELL by order

Read & accepted &

*Ordered* that the s[d] Com[tee] be Allowed & paid out of the publick Treasury the Sum of Six pounds Nineteen shillings & four pence for their Trouble & Expences In farming S[d] Excise. [*Passed December 21.*

## CHAPTER 192.

ORDER SETTING OFF DIVERS PERSONS AND THEIR ESTATES FROM STOUGHTON TO NORTON.

Legislative Records of the Council, xx., 79. Mass. Archives, cxvi., 439.

Mass. Archives, cxvi., 437–439. Legislative Records of the Council, xx., 116, 129. House Journal, pp. 71, 137. Province Laws, v., 68, note.

A PETITION of Seth Boyden & thirteen Inhabitants in the South Westerly Part of the second Parish in Stoughton, setting forth the Difficulties they are under for their attending the publick Worship there, by Reason of their Remoteness from the Place of Worship, Praying that they may be set off to the North Precinct in Norton, which will be much more Convenient for them.

Read and

*Ordered* that the prayer of the within Petition be Granted And that the Petitioners with their Estates be And hereby are annexed to the Second or North precinct in the Town of Norton there to do duty & enjoy previledge as Other the Inhabitants of s[d] precinct by Law do enjoy always provided that they pay their Just proportion to all past Taxes already Granted Or Assessed by the Second parish in Stoughton and they are hereby Subjected to pay the Same Accordingly. [*Passed December 22.*

[1] MS. mutilated.

## CHAPTER 193.

ORDER ADJOURNING THE COURTS OF YORK COUNTY.

Whereas by Law the Court of General sessions of the peace and inferiour Court of Comon Pleas for the County of York was to have been holden on the first tuesday of January. next, and several concerned, in said Courts are Members of the General Court which its probable will be sitting at that time. Therefore

*Ordered*, That the said Courts of General sessions of the peace & Inferiour Court of Comon pleas &c be and they hereby are adjourned to the first tuesday of February next; and all officers & others concerned in said Courts are to conform themselves Accordingly: and all processes and Other Matters and things depending in said Courts, and which are by Law to be heard tried and proceeded upon at said Term, shall be heard tryed & proceeded upon on the first tuesday of February next, and the Justices of said Courts are hereby required to Conform themselves accordingly. [*Passed December 22.*

Legislative Records of the Council, xx., 129. Mass. Archives, xliii., 822.

House Journal, pp. 137, 138. Province Laws, iii., 64, chap. 32.

## CHAPTER 194.

VOTE ALLOWING £50 AND A FURTHER SUM OF £16 TO ROB$^{T}$ BALL.

A Petition of Robert Ball, Keeper of the Light House, shewing the great Difficulties attending his Business, and praying for an Allowance of his last Years Salary, with some reasonable advance and also the Charges he has been at in providing for Fewel for keeping the Oil from Chilling.

Read &

*Voted* That the Sum of Fifty pounds be Allowed & paid out of the Publick Treasury to the pet$^{r}$ Rob Ball, for a Year service ending the 19$^{th}$ of Nov Last and the further sum of Sixteen pounds to Reimburse him so Much he Advanced for Cord wood for the Light House. [*Passed December 22.*

Legislative Records of the Council, xx., 130. Mass. Archives, lxv., 8.

Mass. Archives, lxv., 6. House Journal, pp. 128, 136.

## CHAPTER 195.

VOTE IMPOWERING THANKFUL GLESON, ADM$^{X}$, TO SELL A RIGHT TO LAND.

A Petition of Thankful Glesson Administ$^{x}$ of the Estate of Ebenezer Glesson late of Framingham Dec$^{d}$ shewing that the said Ebenezer died seized of a Right of Land in the Plantation of New Framingham, that it will be a great Damage to his Estate, if it be not speedily sold; Therefore, Praying that she may be impowered by this Court to sell the said Land:

Read &

*Voted* that the Pet$^{n}$ be so far granted as that the Said Thankfull in her S$^{d}$ Capacity be & hereby is Impowered to make Sale of her late Husbands Right in the Lands therein Mentioned for the Most the Same will fetch and to make & Execute A Good Deed or Deeds

Legislative Records of the Council, xx., 130. Mass. Archives, xix., 20.

Mass. Archives, xix., 19. House Journal, pp. 116, 136. Province Laws, ii., 151, chap. 10.

of the Same She Observing the Directions of the Law respecting the Sale of real Estates Provided Also the Pet$^{r}$ give Caution to the Judge of Probate for the County of Middlesex that the proceeds Arising by S$^{d}$ Sale shall be Distributed Among the Lawfull Heirs Agreeable to Law. [*Passed December 22.*

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# CHAPTER 196.

## ORDER SETTING OFF A PART OF STOUGHTON WITH THE INHABITANTS THEREOF TO WRENTHAM.

Legislative Records of the Council, xx., 45, 135. Mass. Archives, cxvi., 394.

House Journal, pp. 26, 72, 120, 136.

A PETITION of Ezra Smith of Stoughton, and Theodore Man of Wrentham[1] for themselves & others, setting forth the Difficulties they are under with Respect to their Attendance on the publick Worship of God, praying that the Petitioners (whose Names are subscribed to the Petition) with their Estates, may be set off from the Town of Stoughton, and annexed to the Town of Wrentham,

The Committee appointed on the Petition of Ezra Smith & others of Stoughton, prefer'd to this Court in May last, Praying to be annexe'd with their Estates to the Town of Wrentham, together with the Answers of the Towns of Stoughton & Wrentham, having fully heard the Parties thereon are of Opinion that the Prayer of the Pet$^{n}$ be granted, and that all that part of the Town of Stoughton with the Inhabitants Lying to the South and South west of the following Lines or Bounds; viz$^{t}$ begining at Walpole Line between the twenty first & twenty second Ranges of Land in Stoughton, and from thence to run in the Line dividing said Ranges, Southerly 'till it comes to the South easterly side of the Country Road, leading from Capt Billings's to the School Farm, or M$^{r}$ Hews's; and from thence the South easterly Side of said Road to be the Bounds untill it comes to the Line dividing the twenty fourth and twenty Ranges; and thence in said Line untill it meets with the Bounds of the Town of Norton; be and hereby are annexed to the Town of Wrentham, there to do Duty and enjoy Priviledge, as other the Inhabitants of Wrentham do, Provided that the Inhabitants aforesaid pay their Proportion to all Province Taxes, Town and Parish Taxes already granted or assessed on them, either by the Town of Stoughton on[2] the second Parish in Stoughton,

All which is submitted: ℔ Order of the Com$^{tee}$

JOHN HILL,

Read and

*Ordered* That this Report be and hereby is accepted; and that part of the Town of Stoughton therein-mentioned (together with the Inhabitants thereon) is annexed to the Town of wrentham accordingly. [*Passed December 22.*[3]

[1] The House Journal, p. 26, reads, "*Ezra Smith*, and *Theodore Man*, of *Stoughton*."

[2] *Sic*, but evidently a mistake for *or*.

[3] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 28.

## CHAPTER 197.

ORDER IMPOWERING MOSES PEARSON, ESQR, TO BRING FORWARD A WRIT OF REVIEW.

A Petition of Moses Pearson of Falmouth in the County of York, shewing that Judgment went against him at the Superiour Court for the said County held in June 1752, in an Action between him and John & Thomas Thomas, which he apprehends was occasioned by one of the Jurymens being interested in a Cause depending in the same Court, the Original Foundation was the same with this, Therefore Praying that this Court would grant him another Trial of said Action,

Legislative Records of the Council, xx., 89. Mass. Archives, xliii., 745.

Mass. Archives, xliii., 744-746. Legislative Records of the Council, xx., 128. House Journal, pp. 82, 139, 138a.

Read together with ye answer of John Thomas and Thomas Thomas together with the Papers accompanying the same and

*Ordered* That the Prayer of the Petition be so far Granted that he be and hereby is allowed to bring forward his Writ of Review of the Cause above mentioned at the Superiour Court of Judicature to be holden at York in and for the County of York on the second Tuesday of June next ensuing the Date hereof, And the Justices of the said Court are hereby impowered to hear and try the said Cause to enter up Judgment & award Execution thereon accordingly. [*Passed December 26.*[1]

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## CHAPTER 198.

ORDER COMMITTING THE PETITION OF SARAH PAYNE.

A Petition of Sarah Payne living on Province Land Westward of Sheffield, praying that this Court would give Order that her Husband may be bailed being imprisoned in Albany Goal by Robert Livingstone junr Esqr the Cause of his Imprisonment relating to this Government.

Legislative Records of the Council, xx., 131. Mass. Archives, vi., 153.

Mass. Archives, vi., 152. House Journal, p. 138a.

Read &

*Ordered* that this Petition be Committed to the Committee Upon the second Paragraph of his Excellencys Speech to Consider and report thereon. [*Passed December 26.*

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## CHAPTER 199.

ORDER ALLOWING £20 TO JOHN WHEELWRIGHT, ESQR.

A Memorial of John Wheelwright Esqr setting forth his divers Services for the Government, besides the Common Business of his Office, as Commissary General, more especially his providing Presents for the Indians, and for the Voyages of the Commissioners in their late Treaties with them; for which kind of Services he has had no Consideration made for some Years past, Praying for some Allowce for them:

Legislative Records of the Council, xx., 133. Mass. Archives, lxxiv., 96.

Mass. Archives, lxxiv., 96. House Journal, pp. 110, 140.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 21.

Read &

*Ordered* that the sum of Twenty pounds be Allowed & paid out of the Publick Treasury to the Pet[r] John Wheelwright Esq[r] In Consideration of his Services mentioned In the Petition. [*Passed December 27.*

## CHAPTER 200.

VOTE IMPOWERING HAN[H] WILLISTON, GUARDIAN, TO SELL REAL ESTATE.

Legislative Records of the Council, xx., 133. Mass. Archives, lviii., 414.

Mass. Archives, lviii., 414. House Journal, pp. 109, 140.

A PETITION of Hannah Willistone of Springfield, Guardian of her Son Noah Williston a Minor, shewing that her said Son being very desirous of Education She has consented to his being educated at Connecticut Colledge, where he is admitted; and forasmuch as his Estate consists almost wholly in Lands, praying that She may be impowered by this Court to sell them for defreying his Charges with the Produce, under such Restrictions as this Court shall think fit to enjoin.

[Read &]

*Voted*

That the said Hannah in her said Capacity be and hereby is impowred to make Sale of the Real Estate of the said Noah and to make good & sufficient Deed or Deeds thereof she first giving publick Notice of the Time & Place of Sale and giving Bond to the Judge of Probate &c. in the County of Hampshire to improve the Proceeds of such Sale For the Use of said Noah and to render Him an Acco[tt] thereof & to pay Him the ballance thereof when he shall arive at age. [*Passed December 27.*

## CHAPTER 201.

ORDER IMPOWERING JAIRUS BYSBEE TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 134. Mass. Archives, xix., 36.

Mass. Archives, xix., 35. House Journal, pp. 139, 142.

A PETITION of Jairus Bysbee and Susannah his Wife shewing that they are desirous to sell a Lot of Land in Duxbury belonging to the said Susannah for purchasing Lands much more commodious; but for as much as the said Susannah is under Age, praying that this Court would enable her to sell the same.

[Read &]

*Ordered* that the prayer of the Petition be so far granted as that the Said Jairus, be & hereby is impowered to make Sale of the ninty ninth Lot of Land in said Petition mentioned for the most the Same will fetch & to make & Execute a good Deed or Deeds of the Same. first giving Seasonable notice of the Time & place of Sale, and also giving Caution to the Judge of Probate for the County of Plimouth that the produce arising by Said Sale Shall be applyed towards purchasing part of the Homestead of Isaac Wadsworth Dec[d] as mentioned in Said Petition. which Deed or deeds So given by the Said Jairus of the Said ninty ninth Lot of Land. shall be Deemed good & Valid to all intents & purposes. as thô given by the Said Jairus & Susannah, after the Said Susannah's arrival to the age of Twenty one years. [*Passed December 28.*

## CHAPTER 202.

VOTE CONFIRMING A PLAN OF LAND GRANTED TO THE PROPRIETᴿˢ OF GORHAM TOWN.

A Petition of Jabez Fox Esqr and others a Committee of the Proprietors of the Narraganset Township Number seven, shewing that by Reason of some Obscurity and uncertainty in the former Plan of the said Township, they have taken a more accurate one by a sworn Surveyor and Chain-men on Oath, herewith exhibited, praying that it may be accepted and confirmed by this Court, as the Plan of said Township N° 7. or Gorham Town, as it is usually called,

Legislative Records of the Council, xx., 134. Mass. Archives, cxvi., 515.

Mass. Archives, cxvi., 514, 516. House Journal, pp. 138ª, 142. Province Laws, xl., 769, chap. 154.

[Read and]

*Voted* That the Plan of the Sd Goreham Town taken by John Small and Exhibitted to this Court with the Petn is Agreeable to the True Intent & Design of the Original Grant made to Said Proprietors & that it be Accepted & Confirmed Accordingly Notwithstanding Any Different Courses Described in a former plan provided the Land Delineated in this Plan doth not Interfere with Any former Grant nor Exceed the Quantity of the first Grant And Whereas the Agents of Sd Proprietors have Agree'd in Consideration of the House & Mills built by Nathanl Sparhawk Esqr And the Other Charges he Hath been at in Making Improvements in Sd Township that the Sd Sparhawk or his Assigns be Quieted in the Possession of About One Hundred & forty Acres of Land he bought of Solomon Bragdon And that Sd Sparhawk or his assigns have the Sd Lands Confirmed to him or them with the Appurtenances to the Same belonging. [*Passed December 28.*

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## CHAPTER 203.

ORDER ALLOWING £750 TO THE JUDGES.

*Ordered* that the sum of seven hundred & fifty pounds be allowed & paid out of the Publick Treasury to the Honourable the Justices of his Majestys Superiour Court of judicature Court of Assize & General Goal Delivery for their Service for one Year Ending the first of January next. [*Passed December 29.*

Legislative Records of the Council, xx., 136. Mass. Archives, xliii., 824.

House Journal, p. 140.

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## CHAPTER 204.

ORDER ALLOWING £50 TO THE SECRETARY.

*Ordered* that the Sum of fifty pounds be granted and allowed to be paid out of the publick Treasury to Josiah Willard Esqr Secretary of this province in full for his Service for one Year ending the third day of December Current. [*Passed December 29.*

Legislative Records of the Council, xx., 136. Mass. Archives, xlix., 377.

House Journal, p. 140.

## CHAPTER 205.

ORDER ALLOWING £92 ADDIT^L TO THE SECRETARY.

Legislative Records of the Council, xx., 136. Mass. Archives, xlix., 388.

House Journal, p. 140.

*Ordered*, That the Sum of Ninety two pounds be granted and allowed to be paid out of the publick Treasury to Josiah Willard Esq^r Secretary &c in Consideration of his Extreordinary Services to the third day of December Current. [*Passed December 29.*

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## CHAPTER 206.

ORDER ALLOWING £40 TO THE CHIEF JUSTICE.

Legislative Records of the Council, xx., 136. Mass. Archives, xliii., 825.

House Journal, p. 142.

*Ordered* that the sum of Forty pounds be granted & paid out of the Publick Treasury to the Honourable Stephen Sewall Esq^r In Consideration of his faithfull Discharge of the Important Trust Repossed in him as Cheif Justice & for his further Encouragement therein. [*Passed December 29.*

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## CHAPTER 207.

ORDER ALLOWING £230 TO THE PRESIDENT OF HARVARD COLLEGE.

Legislative Records of the Council, xx., 136. Mass. Archives, lviii., 395.

House Journal, p. 140.

*Ordered* that the sum of two hundred & thirty pounds be Granted & Allowed to be paid out of the Publick Treasury To the Reverend M^r Edw^d Holyoke President of Harvard Colledge over & above the Rents of the Massachusetts Hall for one Year Ending the Tenth day of Septem^r next to be paid Quarterly. [*Passed December 29.*

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## CHAPTER 208.

ORDER ALLOWING £90 TO D^R WIGGLESWORTH.

Legislative Records of the Council, xx., 136. Mass. Archives, lviii., 396.

House Journal, p. 141.

*Ordered* that There be Granted & Allowed to be paid out of the Publick Treasury to the Reverend D^r Edward Wigglesworth Hollissan Professor of Divinity at Harvard College in Cambridge the Sum of Ninety pounds as a Gratuity in Consideration of his faithfull Discharge of that Great & important Trust Repossed in him & for his further Encouragment therein. [*Passed December 29.*

## CHAPTER 209.

ORDER ALLOWING £70 TO JN° WINTHROP, ESQ^R.

*Ordered*, That there be granted and allowed to be paid out of the publick Treasury to John Winthrop Esq^r Hollission Professer of Mathamaticks at Harvard Colledge in Cambridge the Sum of Seventy pounds as a Gratuity in Consideration of his faithfull discharge of that Trust reposed in him & for his further Encouragement therein. [*Passed December 29.*

Legislative Records of the Council, xx., 136. Mass. Archives, lviii., 395.

House Journal, p. 141.

## CHAPTER 210.

ORDER ALLOWING £93. 6. 8 TO M^R TREASURER GRAY.

*Ordered*. That the Sum of Ninety three pounds Six shillings and eight pence be Granted and allowed out of the publick Treasury to Harrison Gray Esq^r Treasurer and Receiver General of his Majestys Revenues of this province for half a Years Service Commencing at the time he qualified himself for said office. [*Passed December 29.*

Legislative Records of the Council, xx., 137. Mass. Archives, xlix., 387.

House Journal, p. 141.

## CHAPTER 211.

ORDER ALLOWING £150 TO THE COMMISS^Y GENERAL.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury the Sum of One hundred and fifty Pounds to John Wheelwright Esq^r Commissary General for his Service in that Office one Year. [*Passed December 29.*

Legislative Records of the Council, xx., 137.

House Journal, p. 142.

## CHAPTER 212.

ORDER ALLOWING £12 TO THE CHAPLAINS.

In the house of Reprev^es

*Ordered* That there be allowed and paid out of the publick Treasury the sum of twelve pounds One half to the Reverend Chaplain of the Honb^le Board the present Year, the Other half to the Rev^d Samuel Cooper Chaplain of this house for their respective Services the present Year.

In Council Read & Concur'd. [*Passed December 29.*

Legislative Records of the Council, xx., 137. Mass. Archives, xiii., 486.

House Journal, p. 141.

## CHAPTER 213.

ORDER ALLOWING £40 TO LIEUT JNO LARRABEE.

Legislative Records of the Council, xx., 137.

House Journal, p. 142.

*Ordered* that there be allowed & paid out of the publick Treasury the Sum of Forty Pounds to John Larrabee, Lieutent of his Majesty's Castle William, in Consideration of his faithful Discharge of the Trust reposed in him. [*Passed December 29.*

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## CHAPTER 214.

ORDER ALLOWING £40 TO MR JOHN PHILLIPS.

Legislative Records of the Council, xx., 137. Mass. Archives, xlii., 487.

House Journal, p. 141.

*Ordered* that there be granted & Allowed to be paid out of the Publick Treasury to Mr John Phillips Chaplin of his Majestys Castle William the sum of forty pounds as a Gratuity for his Service in that trust for the Year Past. [*Passed December 29.*

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## CHAPTER 215.

ORDER ALLOWING £20 TO R. JUDAH MONIS.

Legislative Records of the Council, xx., 137. Mass. Archives, lviii., 396.

House Journal, p. 141.

*Ordered* that there be Granted & Allowed to be paid out of the Publick Treasury to R. Judah Monis Hebrew Professor at Harvard Colledge the Sum of Twenty pounds as a Gratuity in Consideration of his faithfull Discharge of that Trust Repossed infrim[1] & for his Further Encouragment therein. [*Passed December 29.*

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## CHAPTER 216.

ORDER ALLOWING £70 TO THE CLERKS OF THE HOUSE.

Legislative Records of the Council, xx., 137. Mass. Archives, xlix., 374.

House Journal, p. 141.

In the House of Reprevᵉˢ

*Ordered*, That there be granted and to be paid out of the publick Treasury to the Several Clerks of this house the sum of Seventy pounds for their Service in proportion to the time they serve in that Trust for the present Year as this Court Shall hereafter Order.

In Council Read & Concur'd. [*Passed December 29.*

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## CHAPTER 217.

ORDER ALLOWING £80 TO WM BAKER, DOORKEEPER.

Legislative Records of the Council, xx., 137. Mass. Archives, xlix., 376.

House Journal, p. 142.

*Ordered* That there be Allowed & paid out of the Publick Treasury the Sum of Eighty pounds To Mr William Baker Door keepper to his Excellency the Governour & this Court in full for his Service for one Year to be paid Quarterly. [*Passed December 29.*

[1] *Sic*, for "in him." See Legislative Records of the Council, xx., 137.

## CHAPTER 218.

ORDER ALLOWING 1/4 PER DIEM TO THE SPEAKER.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury the Sum of one shilling and fourpence ℔ Diem to the Hon^ble^ Thomas Hubbard Esq^r^ Speaker of the House for every Day of his attendance in the General Court from the Opening of the Sessions on the 30^th^ of May 1753 over and above his pay as a Member of the House. [*Passed December 29.*[1]

Legislative Records of the Council, xx., 138. Mass. Archives, xlix., 375.

House Journal, p. 141.

## CHAPTER 219.

ORDER IN REGARD TO BOUNDARY LINE OF NARRAGANSET TOWNSHIP N^o^ ONE.

A Petition of the Proprietors of the Narraganset Township Number One, shewing that there is a Dispute between them, and the Proprietors of the Narraganset Township Number seven, commonly call'd Gorham Town, about their Bounds; Praying that a Committee may be appointed by this Court to determine & settle the same,

[Read and]

*Ordered* that Richard Hazzen Esq^r^ Run the Dividing Line between the Said Township N^o^ 1 and the Naraganset Town ship N^o^ 7 with Chain men On Oath at the Charge of the Pet^rs^ and make return of his doings therein into the secretarys Office as Soon as may be. [*Passed December 31.*

Legislative Records of the Council, xx., 138. Mass. Archives, cxvi., 513.

Mass. Archives, cxvi., 512. House Journal, pp. 138a, 141. Province Laws, xi., 769, chap. 154.

## CHAPTER 220.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF PLYMOUTH AND ALLOWING £3. 10 FOR THE EXPENSE THEREOF.

The Committe Appointed by The Hon^ble^ the General Court at their Last Sessions to Farm Out the Excise for the County of Plymouth haveing Given the Notice in the act requiered Met at the House of M^r^ Consider Howland in Plymouth and at Publick Vendue Disposed of the Same To Theophilus Cotton Gen^t^ (being the Highest Bider) for Two Hundred & Four Pounds and Delivered the Bond to the Province Treasurer

Jn^o^ Cushing ℔ order

Read & Accepted & thereupon

*Ordered* that the Sum of three pounds, Ten Shillings be paid out of the publick Treasury to the Com^tee^ in full for their Time & Expences in said Sale. [*Passed December 31.*

Legislative Records of the Council, xx., 138. Mass. Archives, cxix., 628.

House Journal, p. 104. *Ante*, p. 26, chap. 49.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 31.

## CHAPTER 221.

ORDER ERECTING THE CAPE LANDS IN GLOCESTER INTO A SEPARATE PARISH.

Legislative Records of the Council, xx., 106, 139.

Mass. Archives, xiii., 458. House Journal, pp. 108, 148.

A PETITION of that part of the Town of Glocester, called the Cape, setting forth that the said Town in a Legal Town Meeting Voted to set them off as a Precinct with their Estates; lying Northerly of a Line running from Bever Dam to the Cape Hedge, but by Mistake, (as the Petitioners suppose) did not close said Line North of the said Dam; Therefore Praying that the said Line may, by the Order of this Court, be extended on a North Course from Bever Dam to Squam Line, and that all the Polls & Estates lying within said Line northerly and North Easterly thereof to Squam Parish may be made a seperate Precinct.

Read and no Answer being given.

*Ordered* that the Prayer of the Petition be granted, and that the Parish Vote in March last be and hereby is confirmed; and that the Line mentioned in [the][1] Petition be extended on a North Course from Bever Dam to Squam Line; and that all the Polls and Estates lying within said Line Northerly & North easterly thereof to Squam Parish, be made a distinct and seperate Precinct, that they do Duty & receive Priviledge as other Precincts within this Province do or by Law ought to enjoy. [*Passed January 1.*

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## CHAPTER 222.

ORDER APPOINTING A COMMITTEE FOR SELLING PROV$^{CE}$ LAND NEAR SPRINGFIELD.

Legislative Records of the Council, xx., 139. Mass. Archives, xlvi., 330.

House Journal, pp. 146, 147. Province Laws, xi., 715, chap. 8; xiii., 252, chap. 34.

In the House of Representatives

Whereas It has been represented to this Court that a Tract of Land containing about Two Hund$^{d}$ Acres Lying in the County of Hampshire & bounding North on the Township of Springfield & East on y$^{e}$ Township of Brimfield West on Land that was grant$^{d}$ to Eben$^{r}$ Jones of Endfield & South on Land that was granted to Cap$^{t}$ Tho$^{s}$ Colton of Springfield, now belongs to the Province which will probably be Useless to this Province unless the same be sold

Therefore

*Order* That Oliver Partridge & John Worthington Esq$^{rs}$ with such as y$^{e}$ Hon$^{bl}$ board shall Join be a Com$^{tee}$ in the Behalf of the Province fully impowred to make sale of said Tract of Land at publick Vendue to the Highest Bidder or Other ways and to Execute a good & sufficient Deed thereof to the Person who shall purchase the same.

In Council Read & Concur'd and Eleazer Porter Esq$^{r}$ is Joined in the Affair. [*Passed January 1.*

[1] Inserted from the State Library copy, Legislative Records of the Council, xx., 135.

## CHAPTER 223.

VOTE DIRECTING WM BOLLAN, AGT, TO ASSIST MR TIMO WALKER IN HIS PETITION TO THE KING.

A Petition of Mr Timothy Walker, shewing his great Thankfulness for the kindness of this Court in assisting him in his Design of addressing his Majesty that the People in Rumford may be quieted in their Possessions, and further praying that this Court would give Directions to Mr Agent Bollan, to give him his Advice and Assistance in pursuing the said Affair.

Legislative Records of the Council, xx., 140. Mass. Archives, xxi., 128.

House Journal, pp. 145, 148. *Ante*, p. 45, chap. 98.

Read &

*Voted* that the Secretary be directed to Write to William Bollan Esqr Agent for the province to Aid & Advise the Sd Mr Walker in his Address to his Majesty as Requested in the petn. [*Passed January 1.*

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## CHAPTER 224.

ORDER ALLOWING £144 TO SIR WM PEPPERELL.

A Petition of Sir William Pepperell Bart late General of the Forces employed in the Expedition against Cape Breton, setting forth his Services, Expences & Damages in his Business, by means of his said Services, for which he has not yet received any Pay from this Province; Praying that this Court would make him a suitable Allowance for the same:

Legislative Records of the Council, xx., 142. Mass. Archives, lxxiv., 153.

Mass. Archives, lxxiv., 151. House Journal, pp. 110, 139a, 149, 150.

Read &

*Ordered* that there be Allowed & paid out of the Publick Treasury to the Petr Sr William Pepperrell Bart the Sum of One Hundred & forty four pounds In full for his Pay & Services at Cape Breton. [*Passed January 3.*

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## CHAPTER 225.

VOTE IMPOWERING JOSHUA WINSLOW, ESQR, TO ACT AS TREASURER FOR THE COUNTY OF SUFFOLK.

A Petition of Joshua Winslow Esqr eldest Son of Edward Winslow Esqr late of Boston decd and Executor of his last Will & Testament, shewing that his said Father died in the Office of Treasurer of the County of Suffolk, and for as much as the Petitioner would be able with more Facility to adjust his Fathers Accompts in that Office, if it were put into his Hands untill the next annual Choice, Praying that this Court would enable him to act therein accordingly till the Expiration of the Year:

Legislative Records of the Council, xx., 142. Mass. Archives, xix., 52.

Mass. Archives, xix., 51. House Journal, pp. 149, 153, 154.

[Read &]

*Voted* that the Prayer of the Petition of Joshua Winslow Esqr be so far Granted as that the Petitioner be and hereby is authorized and Impowered to act as County Treasurer for the County of Suffolk for the Remaining part of this Present Year So that he may Perfect the Business which his Deceased Farther Left In compleat at the time

of his Decease as mentioned In said Petition. And that the Respective Sums which he Shall Receive from the Respective Constables. In Consequence of this order he to account for the Same as other County Treasurers are Obliged to do agreeable to the Laws of this Province. [*Passed January 3.*

## CHAPTER 226.

ORDER GRANTING TO JOSHUA DAVIS LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 143. Mass. Archives, cxi., 284.

Mass. Archives, cxi., 283. House Journal, p. 152.

A PETITION of Joshua Davis late of Roxbury, shewing that he has taken a Lease of a House in Brooklyne belonging to John Ellis, which has been improved as a Tavern for more than twenty Years past; Praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered at their present Session to grant him a Licence.

Read &

*Ordered* that the prayer of the Petition be so far granted that the Justices of the Court of General sessions of the peace for the County of Suffolk Now Sitting be & hereby are Impowered if they think fit to Grant A Licence to the Pet$^{r}$ Joshua Davis to keep a house of Publick Entertainment In Brookline he first Obtaining the Approbation of the Selectmen of Said Town The time for Granting of Licences being Elapsed Notwithstanding. [*Passed January 3.*

## CHAPTER 227.

VOTE DIRECTING ASSESSMENT IN NORTH WEST DISTRICT IN RUTLAND.

Legislative Records of the Council, xx., 143. Mass. Archives, cxvi., 557.

House Journal, p. 152.

*Voted* that the assessors of the Northwest District of the Town of Rutland Assess the Inhabitants of s$^{d}$ District the Sum of four pounds being their proportion of the Sum assessed on S$^{d}$ Town of Rutland the Last year for the pay of the Representative. and that the Constable to whom Said Assessment Shall be Committed pay the Same in to the Town Treasury of said Town of Rutland for the use of S$^{d}$ Town. and that for the future the Said District be assessed their Due proportion towards paying a Representative the Same to be proportioned agreeable to the Province Tax from Time to Time. [*Passed January 3.*

## CHAPTER 228.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR PUTTING THE PROV$^{CE}$ INTO A POSTURE OF DEFENCE AND ALLOWING £700 THEREFOR.

Legislative Records of the Council, xx., 144. Mass. Archives, lxxiv., 156.

Mass. Archives,

THE COMMITTEE on that part of His Excellency's Speech, relating to the putting the several Forts and Garrisons throughout this Province into a proper Posture of Defence, as also His Excellency's Message of the 13$^{th}$ of December have attended that Service, and beg Leave to report.

That the Walls of the Truck House at S$^{t}$ Georges River be forthwith repaired and Shingled or Clap-boarded on the Out & Inside as shall be tho't best. lxxiv., 154. Legislative Records of the Council, xx., 100, 104, 114. House Journal, pp. 101, 154, 155.

That there be ten Cannon in this Fort; viz$^{t}$ Two Nine Pounders to be taken from Fort Frederick. Two Six Pounders to be taken from Castle William which belonged to the Province Ship, & Six Four Pounders to be purchased by the Province; Two good Cohorns and fifty small Arms, with a sufficient Number of Shot, Shells, & Stores for both the Cannon and small Arms;

That the Platform be secured and all necessary Repairs be made at Fort Frederick; and as soon as the Weather will permit that the Walls be new pointed: That there be two good Cohorns and forty small Arms with suitable Stores at this Fort, There are a sufficient Number of Cannon Shot, & Shells there already: That Richmond Fort be repaired, shingled or clap boarded as soon as may; that there be Six Cannon at this Fort, viz$^{t}$ Six four Pounders, two Cohorns, Forty good Small Arms, and all Stores necessary for the Cannon, & Small Arms: That the Block House on Saco River be repaired & supplied with some few Articles that are wanting there: That there be two good Cohorns with a sufficient Number of Shot & Shells to every Fort & Block House in the Government: That a sufficient Number of Wheels of Cast Iron be procured for the Cannon at the several Garrisons of the Province, as also to supply those at Castle William, which have now Wheels of Wood, as there may be Occasion for them.

The Committee further report, That in Order to procure those Cannon &c$^{a}$, they found a considerable Number of Old Guns at S$^{t}$ Georges, Richmund & Castle William as also a considerable Number of Small Arms in the Commissaries Store, & in several Forts and Garrisons which are not good, but may undoubtedly be disposed of for a considerable Sum: Which with a Grant of Six hundred or Seven hundred Pounds Lawfull Money they apprehend will be sufficient to compleat the several Articles in this Report.

But in as much as the French are daily making Encroachments on our Territories, they apprehend these Repairs &c$^{a}$ will not be sufficient for the Defence & Preservation of the Province unless something further be done by his Majesty, or the Colonies be obliged to act conjunctly in this Affair: The Committee have prepared a more particular Answer to his Excellency's Speech & Message, by way of Message, which they herewith beg Leave to offer; and is humbly submitted.

By Will$^{m}$ Pepperell by Order of the Com$^{tee}$

Read Accepted &

*Ordered* that the Sum of Seven Hundred pounds be paid out of the Publick Treasury Unto John Wheelwright Esq$^{r}$ Commissary General to be by him Employed for purchasing The Guns &c And Making the Repairs of the Forts & Garrisons as Mentioned in this Report & that the Comissary be directed to dispose of the Old Canon & small arms in the Several Garrisons & in his Store the proceeds to be Employed towards S$^{d}$ Repairs. [*Passed January 4.*

## CHAPTER 229.

ORDER IMPOWERING SUSAN[H] SHEPARD, ADM[X], TO SELL LAND.

Legislative Records of the Council, xx., 147. Mass. Archives, xix., 71.

A PETITION of Susannah Sheppherd Administratrix of the Estate of her late Husband, Thomas Shepherd of Boston dec[d], and Guardian of his Children, (except one) who are all Minors, shewing that his Estate is altogether insufficient for the Maintenance & Education of the said Children without selling the Real Estate, & praying for Liberty to sell it accordingly.

Mass. Archives, xix., 68. House Journal, pp. 147, 155. Province Laws, ii., 151, chap. 10.

Read &

*Ordered* that the prayer of the pet[n] be so far Granted that the Petitioner in her Capacity be Enabled & Impowered to make Sale of the Lands Mentioned in the Petition first giving publick Notice thereof And to make & Execute a Good Deed or Deeds of the Same in the Law She giving Caution to the Judge of Probate for the County of Suffolk to Apply the proceeds of S[d] Sale of the S[d] Lands for the Support & Education of the Children of her late Husband Tho[s] Shepard Dec[d] And the Surplusage if Any there be Shall be Divided to & Among the Children & Heirs of the S[d] Thomas when they Come of Age. [*Passed January 4.*

## CHAPTER 230.

VOTE ALLOWING £3. 11. 10 TO JN[O] ROBINSON.

Legislative Records of the Council, xx., 149. Mass. Archives, xxxii., 434.

A PETITION of John Robinson of Dorchester, praying for an Allowance out of the publick Treasury, of his Charges expended on the Sickness & Funeral of a poor Indian not an Inhabitant of any Town in the Province:

Mass. Archives, xxxii., 433. House Journal, pp. 124, 157.

Read &

*Voted* that the prayer of the Petition be so far Granted that the pet[r] be Allowed out of the Publick Treasury the Sum of Three pounds Eleven shillings & Ten pence in full Discharge of his Acco[t]. [*Passed January 5.*[1]

## CHAPTER 231.

ORDER ADJOURN[G] THE COURTS OF BARNSTABLE COUNTY.

Legislative Records of the Council, xx., 149. Mass. Archives, xliii., 835.

WHEREAS by Law the Court of General Sessions of the peace & Inf[r] Court of Comon pleas for the County of Barnstable was to have been holden on the Third Tuesday of January instant and many Concerned in said Courts, are members of the General Court, which its probable will be Sitting at that Time Therefore

House Journal, p. 159. Province Laws, iii., 64, chap. 32.

*Ordered*

That the Said Courts of General Sessions of the peace and Inf[r] Court of Comon pleas &[c] be and they hereby are adjourned to the First Tuesday of February next, and all officers and others Con-

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 7.

cerned in said Courts are to Conform themselves Accordingly. and all processes and other matters & things Depending in said Courts, and which are by Law to be heared Tryed and proceeded upon on the s[d] Third Tuesday of January instant. Shall be heared Tryed & proceeded upon on the Said First Tuesday of February next and the Justices of Said Courts are hereby required to Conform themselves accordingly. [*Passed January 7.*

## CHAPTER 232.

ORDER GRANTING 500 ACRES OF LAND TO JASHER WYMAN & 300 ACRES LAND TO EDW[D] PARK.

A Petition of Jasher Wyman & Edward Park, shewing they were admitted in the Year 1719 as Proprietors in a new Township granted by this Governm[t] lying West of Groton, that they fully performed the Conditions of their Grant by building, clearing the Land &c[a] but are now ejected from the same by a Course of Law; praying for Relief from this Court:

Legislative Records of the Council, xx., 149.

Mass. Archives, cxvi., 558–572. House Journal, pp. 149, 154, 159. Province Laws, ix., 696, chap. 113.

Read & it appearing to this Court that the Petitioners have had a Grant of Lands from this Governm[t] which were then look'd upon as unappropriated, but are since found to be comprized within a former Grant of this Governm[t] to the Proprietors of Dunstable; and that the said Jasher & the Assignee of the said Edward have by a Course of Law been accordingly ejected therefrom by the Proprietors of the Common & undivided Lands in said Dunstable, Therefore

*Ordered* that there be & hereby is granted to the said Jasher Wyman Five hundred Acres of Land, and to the said Edward Park Three hundred Acres out of the unappropriated Lands of the Province, in full Satisfaction for the Land from which they have been ejected as aforesaid, and of all Charges arising therefrom: provided the said Petitioners lay out their Grants adjoining to some Township in a regular Form, and do not interfere with any former Grant, and return Plats of their Land thus laid out to this Court within twelve Months for Confirmation. [*Passed January 7.*

## CHAPTER 233.

ORDER GRANTING TO JAMES MILK & WHEELER RIGGS LICENCE TO SELL STRONG DRINK.

A Petition of James Milk & Wheeler Riggs shewing that they dwell in such parts of the Town of Falmouth in the County of York where it is necessary there should be some Persons licenced for the retailing Strong Liquors, for which the Pet[rs] are well furnished, praying that the Court of General Sessions of the Peace for said County may be enabled to licence them:

Legislative Records of the Council, xx., 150. Mass. Archives, cxix., 633.

Mass. Archives, cxix., 632. House Journal, p. 162.

Read and

*Ordered* That the Prayer of the Petition be and hereby is granted; and the Justices of the Court of General Sessions of the Peace for and within the County of York, are impowered at their next Sitting,

if they see Cause, to grant a Licence to the Pet$^{rs}$ for the purpose withinmention'd upon their producing a recommendation pursuant to Law. [*Passed January 8.*

## CHAPTER 234.

ORDER IMPOWERING EDW$^{D}$ CHILD & ABIG$^{L}$ GRIDLEY, ADM$^{RS}$, TO SELL REAL ESTATE.

Legislative Records of the Council, xx., 150. Mass. Archives, xix., 73.

Mass. Archives, xix., 72. House Journal, pp. 145, 160. Province Laws, ii., 151, chap. 10.

A PETITION of Edward Child & Abigail Gridley of Roxbury Administrators of the Estate of Thomas Baker late of Boston dec$^{d}$ and Guardians to his Children, being Minors; shewing that the said Children are one half interested in a dwelling House & Land in Boston, which House is under Decay, praying for Liberty to sell the same for the said Childrens Benefit.

[Read &]

*Ordered*, That the prayer of the Petition of Edward Child & Abigail Gridley, be so far granted, as that they be impowered & they hereby are impowered to Sell the half part of the House & land as requested, for the most it will fetch, (first giving public notice as requisite, of the time & place of such sale) & to execute a good & Sufficient Deed or Deeds thereof, they giving security to the Judge of Probate for the County of Suffolk, that the Net Proceeds shall be forthcoming, when the Children shall come of Age, with the Interest arising thereon, reserving only one third part of the Interest for the s$^{d}$ Abigail, during her Natural life. [*Passed January 8.*

## CHAPTER 235.

ORDER GRANTING TO EBEN. LOWELL LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xx., 151. Mass. Archives, cxix., 630.

Mass. Archives, cxix., 629. House Journal, p. 163.

A PETITION of Ebenezer Lowell of Boston, shewing that he has been obliged to remove his Habitation to some little distance from the Place where he formerly dwelt praying that the Court of General Sessions of the Peace for the County of Suffolk may be enabled to licence him to retail strong Drink in the Place where he now dwells

Read and

*Ordered* that the Prayer of the Pet$^{n}$ be so far granted as that the Justices of the Gen$^{ll}$ Sessions of the Peace for the County of Suffolk at their present Sitting if they see Cause be and hereby are impowered to grant the Pet$^{r}$ a Licence to retail strong Liquours for the Remaining part of the present Year Provided he Obtain the Approbation of the select Men of the Town of Boston the time for grant$^{g}$ Licences being Elapsed notwithstanding. [*Passed January 9.*

## CHAPTER 236.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF YORK AND ALLOWING £2. 16. 8 FOR THE EXPENSE THEREOF.

The Committee for letting out to farm the Excise of strong Liquors in the County of York for this present Year, reported that they had let out the same to Elisha Jones for Seven hundred Dollars for this present Year, had taken Bonds & lodged them in the Treasury, their own Charge being £2.16.8.

Legislative Records of the Council, xx., 151.

House Journal, p. 101. *Ante*, p. 27, chap. 52.

Read & Accepted, and

*Ordered* that the Sum of Two Pounds, sixteen Shillings & eight pence [1] be allowed & paid out of the publick Treasury to said Committee for their Time & Expence in farming said Excise. [*Passed January 9.*

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## CHAPTER 237.

ORDER ALLOWING £9. 1. 9 TO THE TOWN OF IPSWCH FOR A MISTAKE IN THEIR TAX.

Whereas Francis Cogswell Esqr hath represented to this Court that by the Tax Bill pass'd at last May Session, the Town of Ipswich had £110.19.4 last Emission added to their Tax in Consequence of a Vote of this Court, and in reducing said Sum into Lawful Money there appears a Mistake of £9.1.9 Lawful Money, the said Town is taxed more than they ought to be,

Legislative Records of the Council, xx., 151.

House Journal, pp. 162, 163.

Therefore,

*Ordered* that the Province Treasurer pay to the Treasurer of said Town of Ipswich for the Use of said Town, the said Sum of Nine Pounds one Shilling & nine pence. [*Passed January 9.*

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## CHAPTER 238.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF ESSEX AND ALLOWING £6. 10. 9 FOR THE EXPENSE THEREOF.

The Committee for letting out to farm the Excise on strong Liquors in the County of Essex, for this present Year, reported that they had let it out to Mr Jonathan Porter (who purchased it for Mr John Hunt) for the Sum of One Thousand & two Pounds thirteen Shillings & four pence, had taken Bonds & lodged them in the Treasury, their own Charge being £6.10.9. Read & Accepted &

Legislative Records of the Council, xx., 152.

House Journal, pp. 154, 163. *Ante*, p. 25, chap. 45.

*Ordered* that the Sum of Six Pounds ten Shillings & nine pence be allowed & paid out of the publick Treasury to said Comtee in full for their Time & Expence in farmg said Excise. [*Passed January 9.*

[1] The House Journal, p. 101, reads, £2. 13. 4.

## CHAPTER 239.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JONAS CLARK FOR A REHEARING OF AN ACTION.

Legislative Records of the Council, xx., 152. Mass. Archives, xlvi., 334.

Mass. Archives, xlvi., 332–336. House Journal, p. 165.

A PETITION of Jonas Clarke of Boston Esq$^{r}$ setting forth the great Injustice done him by the Judgment of the Superiour Court held at Worcester in September last, in an Action between the Pet$^{r}$ & Jaazaniah How & John Snow, and for as much as the Pet$^{rs}$ Attorney was by Sickness unexpectedly taken off from defending said Action, therefore praying that the said Judgment may be vacated, and that the Pet$^{r}$ may enter his Action anew at the next Term for said County, & Execution stayed in the mean time.

Read &

*Ordered* that the pet$^{r}$ Serve the Adverse parties Jaazaniah How & John Snow with a Copy of this petition that they Shew Cause (if Any they have) on the Second friday of the Next Sitting of this Court why the Prayer thereof Should not be granted And that Execution be stayed in the Mean time provided the pet$^{rs}$ give Bond to the Sherriff of the County of Suffolk for the payment of the Sums that the S$^{d}$ How & snow or either of them Shall finally recover with Interest from this Time. [*Passed January 9.*

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## CHAPTER 240.

VOTE APPOINTING A COMMITTEE FOR SELLING LANDS LYING WEST OF NORTHAMPTON.

Legislative Records of the Council, xx., 152. Mass. Archives, xlvi., 326.

Mass. Archives, xlvi., 324, 325. Maps and Plans, xxxii., 21. House Journal, pp. 117, 138$^{a}$, 163, 164. Province Laws, ii., 151, chap. 10. *Ante*, p. 18, chap. 24.

A MEMORIAL of Oliver Patridge Esq$^{r}$ shewing that he has surveyed Eight hundred Acres of Province Land lying on or near the Road proposed to be opened from Northampton towards Albany, and proposing that said Land may be sold, that two Families may be settled thereon.

In the House of Representatives

*Voted* that John Worthington Esq$^{r}$ & M$^{r}$ Gideon Lyman with Such as the Honourable Board shall Join be a Com$^{tee}$ in behalf of the Province to make Sale (in Some part of the County of Hampshire) of the Lands Mentioned in the Petition in two Equal Allotments to Such as will give most for the Same giving Notice Publickly of the Time & place of Sale And they are hereby impowered to give good & Sufficient Deeds of S$^{d}$ Land to Such purchasers And They are also directed to take Bond of Each of Such Purchasers for the Sum of One Hundred pounds for their building on Such allotments respectively a Good dwelling house not Less than Eighteen feet Square & Seven feet Studd and for their Clearing & bringing Under Improvement either by plowing or mowing five Acres of Said Land in five Years and for their living thereon either by themselves or Assignees the first Ten Years of the Next fifteen provided there be not a French or Indian War within S$^{d}$ Time and that the Memorialist be allowed fifty Shillings out of the Proceeds of the Sale of S$^{d}$ Lands for his Service in Surveying the Same The Com$^{tee}$ to be Accountable to this Court for their doing herein & to Lodge the Bonds with the Province Treasurer

In Council Read & Concur'd and Eleazer Porter Esq$^{r}$ is joined in the affair. [*Passed January 9.*

# CHAPTER 241.

## ORDER ON REPORT OF COMMITTEE ON PETITION OF THE PUNCAPAUG INDIANS.

A Petition of Samuel Moho & others, Indians of Puncapaug, Complaining of their Guardians Samuel Miller & John Shepherd Esq[rs] for their great Neglect of them, more especially for suffering their Lands to be strip'd of the Timber, Whereby (as well as by their other Mismanagements) the Petitioners Estate is much diminished, Praying that this Court would inquire into their Grievances & grant them Relief. Legislative Records of the Council, xx., 105, 156. Mass. Archives, xxxii., 456.

The Committee on the Petition of Samuel Moho and others having repaired to the said Indians Plantation in Stoughton, viewed their Land fully, heard the Parties, beg Leave to report as follows. Mass. Archives, xxxii., 455. Legislative Records of the Council, xviii., 43. House Journal, pp. 103, 120, 139[a], 167.

First, With Respect to the Article mentioned in the Petition, wherein they complained of being wrongfully charged in the Guardians Accompts, It appeared to the Committee that the said Accompts had been kept in a lax & bad Manner, either in Chaulks or Memory, for more than five Years together, so that no Particulars can be had; and the said Moho, George & Abigail denied the Receipt of any considerable part of said Accompt; To which the Guardians replied that the greatest part of said Articles was delivered to Amos Ahauton, his Wife & s[d] Abigail, the two former since dead.

2[dly] As to the Tresspass done upon the said Indians Land, the Comm[tee] find that about ten Acres of the Southwesterly Corner the Wood & Timber is almost all cut off; And by the Stumps it appears that less than four Years past, it was full of a large Growth; This done by one Eliakim Pitcher under Colour of having a Lease from the Guardians, which Lease Col° Miller denied having any Knowledge of; but Major Shepherd said it was by him some time past agreed to, but not duly executed; In another part of the Tract it appeared that eight or ten Cord of Wood had been cut, and carried off by Nathaniel Badcock; for which he says he had the Guardians Leave. On the East End of the Cedar Swamp we numbered ab[t] Two hundred Stumps, the Bodies carried Off & the Tops left to rot, and were informed that the other parts of the Swamp were under the same Circumstances: And by Testimony of one Pitcher, it appeared Major Shepherd had given him Leave to cut some part of it for Posts; As to the Tresspass done on the other parts of the said Tract, It appears by a List taken by Order of the Guardians that there has been Two hundred & fifty nine Trees cut & carried off within a few Years past, besides three or four large Trees cut by Major Shepherd himself or by his Order, as also Two Tons of Ship Timber cut by one Liscom by said Shepherds Leave; Indeed there is but a small Number of Timber now standing on the whole of said Indians Lands, and the Wood greatly diminished. As to the Indians Complaint of said Shepherd in particular for causing a Number of them to be imprisoned & there kept in the most distressed Condition, The Committee say, that altho Mr Justice Hill might have had sufficient to justify his Conduct in committing them, yet it would have been well in the Guardians, who had the immediate Care of them to have procured Bail for them, or at least not suffered them to have been miserable when under Confinement: As to Sam[l] Moho's being in Goal detained by the levying of an Execution consequent upon

a Judgement of said Shepherd's against him for Four or Five Pounds Old Tenor in favour of one Jordan; As the whole of the Proceeding was expressly contrary to Law, so just Matter of Complaint.

Finally, As to what may be proper for the hon^ble^ Court to do on the Pet^n^ above mentioned, The Committee beg Leave to say, that as they have endeavour'd truly to represent the Facts, they can not but suppose that the Court will be best able to determine thatt Matter: All w^ch^ is humbly submitted.

BENJ^A^ LINCOLN per Order.

Read and It appearing by the Report of the Committee that there are strong Grounds to suspect that the Guardians of the Punkapog Indians have been exceeding remiss & negligent in the discharge of the trust[1] reposed in them by this Court: & likewise to suspect that John Shepherd Esq one of the s^d^ Guardians together with divers other persons by leave obtained from him have cut & carried off large quantities of Wood & Timber from the Lands belonging to those Indians to their great wrong & damage.

Therefore

*Ordered* That the said Guardians be and they hereby are directed to attend this Court on Wednesday next if the Court be then sitting, if not on the second Wednesday of the next Sitting of the Court; then further to account for their Conduct respecting the matters of Complaint against them, and that they then likewise lay before the Court a particular account of all monies by them received, or that are due to them in their said capacity as also of their payments & disbursments on behalf of the said Indians. And that the said Guardians be forthwith served with a Copy of this Order. [*Passed January 10.*

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## CHAPTER 242.

ORDER ALLOWING £5 TO JOSIAH LOOMIS AND £8 TO MICHAEL HALLENBECK.

Legislative Records of the Council, xx., 107, 157. Mass. Archives, xlvi., 323.

A MEMORIAL of Josiah Lomis, Jacob Loring, George Robinson, Joseph Olcort, John Halenbeck & Michael Hallenbeck, setting forth the Difficulties they are put to by the Committees delaying to lay out Land to them on the Western Borders of this Province, according to the Order of this Court; Praying that this Court would give Fresh Orders for laying out said Lands, or pay them their Money expended.

Mass. Archives, xlvi., 320-323. Legislative Records of the Council, xx., 93, 112. House Journal, p. 107. *Ante*, p. 49, chap. 107.

The Committee appointed upon the Pet^n^ of Josiah Lomis, Michael Halenbeck & others having considered the same, humbly report it as their Opinion, That the Sum of Five Pounds be allowed & paid out of the publick Treasury to Josiah Lomis & the Sum of Eight Pounds to Michael Hallenbeck in Consideration of their Expences & Trouble in attending this Court: Which is humbly submitted.

Per SAM^L^ WATTS ℔ Order.

Read & Accepted &

*Ordered* that the Sum of five pounds be Allowed & paid out of the Province Treasury to Josiah Loomis & the Sum of Eight pounds to Michael Hallenbeck in Consideration of their Expence & Trouble in Attending this Court.[2] [*Passed January 10.*

[1] MS. mutilated.

[2] The concluding action on this petition not found in the House Journal.

## CHAPTER 243.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £10 TO THE TOWN OF MEDFORD.

Whereas the Town of Medford was fined the Last Year the Sum of Ten pounds for Not Sending a Representative which the Court Afterwards Remitted Yet it Appears that the S^d^ Town was Taxed for S^d^ Sum Therefore

*Ordered* that the Province Treasurer be & hereby is Directed to pay out of the Province Treasury the Sum of Ten pounds to the Town of Medford. [*Passed January 10.*

Legislative Records of the Council, xx., 157. Mass. Archives, xlix., 389.

House Journal, p. 166.

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## CHAPTER 244.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PETITION OF SARAH PAYNE.

The Committee appointed upon the Pet^n^ of Sarah Payne have considered the same & are of Opinion that some Persons be appointed to write to Col^o^ John Henry Lydius, of Albany, to procure Bail for Joseph Payne who is now imprisoned in Albany Goal by Robert Livingstone jun^r^ Esq^r^ for a supposed Tresspass upon Lands apprehended to be within this Government. W^ch^ is humbly submitted

Per Sam^l^ Watts *p* Order.

Read and

*Ordered* that this Report be accepted & the Secry is directed to write to y^e^ s^d^ Coll Ludias accordingly.[1] [*Passed January 10.*

Legislative Records of the Council, xx., 157. Mass. Archives, vi., 155.

*Ante*, p. 87, chap. 198.

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## CHAPTER 245.

VOTE APPOINTING A COMMITTEE TO RECEIVE OF THE LATE TREASURER WM FOYE, GOVERNMENT SECURITIES IN HIS HANDS, AND BURN THEM.

In Council

*Voted* that John Osborne and Jacob Wendell Esq^rs^, with Such as the Hon^ble^ House shall Joyn, be a Com^tee^ to Receive of the Late Treasurer, W^m^ Foye Esq^r^ what of the Govern^t's^ Securities are now in his hands, & Consume them to ashes.

In the House of Rep^r^

Read & Concurred & Col Otis Col Worthington M^r^ Allen M^r^ Fletcher M^r^ Hunt Cap^t^ Chandler & M^r^ Wells are Joined in the Affair. [*Passed January 11.*

Legislative Records of the Council, xx., 162. Mass. Archives, ciii., 203.

House Journal, pp. 169 *bis*, 170.

[1] Not found in the House Journal.

## CHAPTER 246.

VOTE ACCEPTING REPORT FOR COMMISSIONERS TO GIVE QUIT CLAIM DEEDS OF PROVINCE LANDS WESTWARD.

Legislative Records of the Council, xx., 162.

THE COMMITTEE on the first and second Paragraph of his Excellencys Speech reported their Opinion that the following Vote pass this Court.

Mass. Archives, xlvi., 338. Legislative Records of the Council, xx., 75.

*Voted* that . . .[1] Persons be chosen and appointed by this Court & Commissionated by his Excellency the Governour, under the Seal of the Province, for the Purposes hereafter mentioned; and they are hereby required, as soon as conveniently may be, to repair to the Western Parts of the County of Hampshire, and to make due Inquiry into the Possessions & Improvements of the several Persons, who without any Grant or Warrant from this Governm^t^ have entered upon any of the Province Lands which are situated further Westward than the Townships of Sheffield & Stockbridge, althô part of said Land may ly Northward of said Townships: And the said Commissioners are hereby fully authorized & impowered to quiet any & all such Persons in their Possessions, and to grant Quit Claims, & relinquish to all or any of them their Heirs the whole or any part of the Land upon which they have entered according to the best Discretion of them the said Commissioner, and as shall appear to them to be most for the Service of the Province, and the Defence & Strengthning that Frontier; and upon such Terms of Settlement; Purchase or Quit Rent as they shall judge equitable; and the said Commissioners shall be under Oath faithfully to pursue the true Intent & Design of their Commission, and to render an Account of their Doings to this Court. Submitted per Order SAMUEL WATTS

Read & Accepted, &

*Ordered* that three Persons be appointed for the Purposes within mentioned.[2] [*Passed January 11.*

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## CHAPTER 247.

ORDER FOR SUMMON^G^ WITNESSES IN THE CASE OF THE PUNCAPAUG INDIANS.

Legislative Records of the Council, xx., 163.

House Journal, pp. 167, 169. *Ante*, p. 103, chap. 241.

*Ordered* that the Secretary be & hereby is directed [to Summon][3] Major Benjamin Fenner, Eliakim Pitcher, Edward Pitcher, Nathaniel Badcock, Philip Lyscomb, Nehemiah Lyscomb, Philip Lyscomb jun^r^ James Endicot, Ameriah Wentworth, William Wheeler, Stephen Bedlow, John Wentworth, William Royal, Zebulon Jordan, Edward Bailey, William Wentworth & Isaac Fenner jun^r^. [*Passed January 12.*

[1] *Sic*, in both copies of Legislative Records of the Council.

[2] Not found in the House Journal.

[3] Inserted from the House Journal, p. 169. The record also states that they were "Witnesses in the Case of the Guardians of the *Punkapaug* Indians."

## CHAPTER 248.

VOTE FOR WRIT$^{a}$ TO THE AGENT REFERR$^{d}$ TO THE DEFENCE OF THE PROVINCE.

Whereas His Excellency has acquainted this Board that Agreable to the Message of the two Houses sent him, this present Session, respecting the Putting of the Province into a Posture of Defence, He has written largely to the Right Hon$^{ble}$ the Earl of Holderness one of His Majestys Principal Secretarys of State, with his Desire that he would lay the same before His Majesty; & that his Packet is gone in Cpt. Comerins Ship which sailed yesterday; And forasmuch as the Matters contained in the said Message are of great Importance & may require the Solicitation of the Agent of this Province

*Voted* that a Copy of the said Message to His Excellency with other Papers relating thereto be forthwith sent to M$^{r}$ Agent Bollan, with Directions to use his utmost Endeavour to obtain his Majestys Favour as to the Matters mentioned in the said Message. [*Passed January 12.*

Legislative Records of the Council, xx., 163. Mass. Archives, xxi., 136.

House Journal, p. 175. *Ante*, p. 96, chap. 228.

## CHAPTER 249.

ORDER APPOINTING A COMMITTEE TO RECEIVE THE BALANCE OF THE ACCT$^{s}$ OF THE LATE TREASURER FOYE AND PAY THE SAME TO THE PRESENT TREASURER.

In Council Whereas by the account of the late Treasurer William Foye Esq$^{r}$ examined by a Committee of this Court February 8. 1753 it appears that he was then accountable for the Sum of £6,290.19.2 the Ballance of the said Account and it appears that divers further Sums were outstanding which ought to have been since received; And it likewise appers that 4,926 Lottery Tickets were delivered to the Treasurer as the Share of the Province Therefore

*Ordered* that Jacob Wendell John Wheelwright and Thomas Hutchinson Esq$^{rs}$ with such as the Hon$^{ble}$ House shall join be a Committee to receive the Ballance that may be in the hands of the s$^{d}$ Treasurer Foye to give him a discharge therefor and to deliver the same to M$^{r}$ Treasurer Gray and take his receipt for the use of the Province The Committee are likewise to settle the Prizes which said Lottery Tickets drew and to cause the said Tickets to be burnt to Ashes

In the House of Representatives

Read & Concurred & Col Otis Col Worthington M$^{r}$ Allen M$^{r}$ Hunt M$^{r}$ Fletcher Cap Chandler & M$^{r}$ Wells are Joined in the Affair. [*Passed January 16.*

Legislative Records of the Council, xx., 163. Mass. Archives, ciii., 204.

Mass. Archives, ciii., 205. House Journal, p. 179. Province Laws, xiv., 723, chap. 240.

## CHAPTER 250.

ORDER DIRECTING THE TREASURER TO SUE THE PROV$^{ce}$ DEBTORS.

*Ordered* that the Treasurer forthwith proceed in all proper Methods directed to by Law to enforce the Payment of all Such Sums of Money as are due from any Persons to the Province. [*Passed January 16.*

Legislative Records of the Council, xx., 164.

House Journal, p. 179.

## CHAPTER 251.

ORDER GRANTING TO EDW$^{D}$ BEST LICENCE TO RETAIL BEER.

Legislative Records of the Council, xx., 167. Mass. Archives, lix., 401.

Mass. Archives, lix., 400. House Journal, p. 168.

A PETITION of Edward Best of Boston, shewing that he has set up the Trade of Brewing in said Town, & brews better Beer than is usual, Praying that the Court of General Sessions of the Peace for the County of Suffolk now sitting may be impowered to grant him a Licence for Retailing Beer.

Read &

*Ordered* that the Prayer of the Pet$^{r}$ be so far Granted that the Court of General sessions of the peace for the County of Suffolk at their Present session be & hereby are Impowered to Grant the Petitioner a Licence to Retail Beer in the Town of Boston If they See fit he first Obtaining the Approbation of the Selectmen of Said Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed January 16.*

## CHAPTER 252.

VOTE FOR AN ABSTRACT OF SOLDIER'S WAGES UNPAID, ON MUSTER ROLLS IN THE HANDS OF THE LATE TREASURER MR. FOYE.

Legislative Records of the Council, xx., 162. Mass. Archives, ciii., 207.

House Journal, p. 174.

In Council

*Voted* that some Person be employ'd to repair to the Late Treasurer W$^{m}$ Foye Esq$^{r}$ and take an abstract from the severall Rolls laying in his Office of the Grants of such Soldiers as remain unpaid upon said Rolls and Cancell the same and that a New Warrant be made upon the Abstract for M$^{r}$ Treasurer Grays payment thereof and that the Commissary General be directed to inspect said Abstract and to direct the Proper Method to effect y$^{e}$ same

In the House of Representatives

Read & Concurred & John Wheelwright Esq$^{r}$ is Appointed for the Purpose abovementioned.

In Council Read & Concur'd. [*Passed January 17.*[1]

## CHAPTER 253.

ORDER IMPOWERING SARAH MAYHEW, GUARDIAN, TO EXECUTE A DEED.

Legislative Records of the Council, xx., 14. Mass. Archives, cv., 421.

Mass. Archives, cv., 420–424. Legislative Records of the Council, xx., 168. House Journal, p. 124.

A PETITION of Sarah Mayhew Widow of Theophilus Mayhew late of Chilmark in Dukes County dec$^{d}$ Praying that she may be impowered by this Court to execute a Deed, for exchanging with Thomas Tilton twelve Acres of Land of her said Husband's Estate, agreable to a Contract made in his Life time.

Read &

*Ordered* that this Petition be revived and that the prayer thereof be Granted & the Pet$^{r}$ (with the Advice & assistance of John Norton Esq$^{r}$) is Allowed & Impowered in her Capacity of Guardian to

[1] This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is January 11.

her Son within Mentioned to Execute & deliver to the within named Thos Tillton a Deed for Conveyance of the twelve Acres of Land within Mentioned Provided he give to the Sd Heir a good Deed of his Land within Mentioned Agreeable to the Contract referred to in the petn & the Sd Norton is to See that Justice be done in the Affair. [*Passed January 17.* (March, 1753); p. 178.

## CHAPTER 254.

VOTE APPOINTING A COMMITTEE TO LAY OUT A NEW TOWNSHIP WEST OF NORTHAMPTON.

In the House of Representatives

*Voted* That Mr Gideon Lyman & Elijah Williams Esqr with Such as the Honourable Board shall Appoint, be a Committee to Lay out a Township Six Miles Square Upon the New Cut Road from Northampton towards Albany at the Place Mentioned in the Memorial of Oliver Partridge Esqr dated the 4th of Decr 1753. and that the Said Committee lay out Sixty Three Houselots in Sd Township one for the first Setled Minister one for the Ministry and one for the School as near the Center of Saïd Town as may be with Convenience in Such Quantities as the Sd Committee Shall Judge best and also that the Sd Committee be directed to lay out Such High ways Streets & Lanes to & among Sd Houselotts as Shall be necessary & Convenient And the Sd Committee have power to Admit Sixty Setlers or Inhabitants into Sd Township Each of them Shall be Entitled to a Sixty Third part of Sd Township Upon the Conditions Following Viz: That Each Setler pay to the Committee upon his being admitted Thirteen pounds six shillings & eight pence for the Use of the Government And that he Shall within the Space of Three Years from his being Admitted build a House eighteen feet Long & fifteen feet wide & Seven feet Stud & Shall fence five Acres of his Said Houselot & bring the Same to English Grass or fit it for plowing & raising of Wheet or other Corn And Shall Actually by themselves Heirs or Assigns Reside on Sd Houselot five years in Seven from their being admitted And that they Settle A Learned Protestant Minister in Sd Town within the Term of five Years from their being admitted in Case a French or Indian War do not happen within Sd Term & in Case a Warr Should happen then to fulfill the Sd Conditions in ye Like Term after the War And in Case the aforeSd Conditions are not fulfilled According to the true intent & meaning thereof That then Such delinquent Setler or Setlers Right Shall be forfiet & revert back to the province to be dispossed of as the General Court Shall hereafter order & determine Any thing in this grant to the Contrary notwithstanding and that the Sd Committee be further directed to take Bond of each person Admitted by them a Setler of the Penal Sum of One Hundred pounds payable to the Province Treasurer or his Successor in Sd Office for the faithfull performance of the Conditions of Said Grant The Said Committee to make report of their doings & due return of Sd Bonds to the Province Treasurer as Soon as may be who Shall be paid for that Service out of the monies Received of the Setlers.

In Council Read and Concurd & Oliver Patridge Esqr is joined in the Affair. [*Passed January 17.*

Legislative Records of the Council, xx., 168. Mass. Archives, cxvi., 499.

Mass. Archives, cxvi., 498–500. Maps and Plans, xxxiv., 6. House Journal, pp. 177, 178. *Ante*, p. 102, chap. 240.

## CHAPTER 255.

VOTE ESTABLISHING THE BOUNDARY LINE BETWEEN READING & MALDEN.

Legislative Records of the Council, xx., 124. Mass. Archives, cxvi., 574.

House Journal, pp. 184, 185.

A PETITION of Thomas Eaton, Ebenezer Nichols, Joseph Lynde & Ezra Green, Committees of the Towns of Reading & Malden for settling the Boundary Line between the said Towns,[1] and praying that it may be confirmed by this Court,

[Read &]

*Voted* that the prayer of the Petition be Granted, and that the bounds between the Said Towns of Reading and Maldin as agreed to by Said Petitioners viz^t^ Begining at a Black oak tree Standing by the road Leading from Reading to Maldin about Twelve rods Northward of Jonas Greens Barn. Marked with **R** & **M.** then Runing Eastwardly with a Straight line to a heap of Stons round a Pitch pine tree, Still Eastwardly the Same Course to a Stake and heap of Stons in Chilcea Line, Said Stake being Marked with **R. M** and **C** be Ratified and Confirmed accoringly. [*Passed January 18.*[2]

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## CHAPTER 256.

VOTE APPOINTING GUARDIANS FOR THE INDIANS.

Legislative Records of the Council, xx., 158. Mass. Archives, xxxii., 453.

House Journal, pp. 167, 168, 169. *Ante*, p. 103, chap. 241.

Province of the Massachusets Bay

This day being appointed for the Election of Guardians for the Several Tribes or Plantations of Indians within this Province (Punkapogg Excepted) Pursuant to Law

The following Persons were duely elected to the said Trust by a major Vote of the Council and House of Representatives viz^t^

For the Natick Indians viz^t^
Joseph Richards Esq^r^
Joseph Buckminster Esq^r^
John Jones Esq^r^

For the Dudley Indians viz^t^
John Chandler Esq^r^
Cap^t^ Moses Marcy
M^r^ Joshua Healy

For the Indians East of Barnstable viz^t^
John Freeman Esq^r^
Joseph Freeman Esq^r^
M^r^ Joseph Hall

For the Marshapee Indians viz^t^
Sylvanus Bourn Esq^r^
David Crocker Esq^r^
James Otis Esq^r^

For the Teticut Indians viz^t^
Gamaliel Bradford Esq^r^
Josiah Edson jun^r^ Esq^r^
Cap^t^ Nathaniel Smith

For the Indians at Martha's Vineyard
Pain Mayhew Esq^r^
John Sumner Esq^r^
M^r^ Benjamin Manter

For the Indians at Nantucket
M^r^ Abishia Folger
Jonathan Coffin Esq^r^
M^r^ Richard Coffin

For the Indians at Dartmouth
M^r^ Ambrose Barnaby
John Winslow Esq^r^
M^r^ Abiel Terrey

I Consent to the foregoing Elections.

W SHIRLEY.

[*Passed January 18.*[3]

[1] The State Library copy, Legislative Records of the Council, xix., 121, here inserts, "setting forth their agreement thereupon."

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 18.

[3] This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is January 11.

## CHAPTER 257.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON GOVERNMT SECURITIES AND DISCHARGING THE LATE TREASR OF £1,057. 18. 10.

Report of Government Securities, recd by the Comtee, of the late Treasurer, vizt

Province of the Massachusetts Bay Boston January 11, 1754.

Received of William Foye Esqr late Treasurer a Government Security for £926.14.4 paid James Allen Esqr for so much borrowed upon the £18,400 Supply which with the Interest due thereon £119.18.6 makes £1,046.2.10, also one other Note of £10 borrowed of Andrew McKenzie payable the 10th of June 1752, with Interest amounting to £1.16 makes £11.16 both which Sums amounting to £1,057.18.10, which we have received & consumed to Ashes,

| | |
|---|---|
| John Worthington | John Osborne |
| William Fletcher | Jacob Wendell |
| Samuel Welles | James Otis |

Read Accepted &

*Ordered* That the late Treasurer Wm Foye Esqr be & hereby is Discharged of the Said Sum of One Thousand & fifty seven pounds 18/10. [*Passed January 18.*

Legislative Records of the Council, xx., 173. Mass. Archives, ciii., 208.

House Journal, p. 184. *Ante*, p. 105, chap. 245.

## CHAPTER 258.

VOTE APPOINTING COMMISSRS TO VIEW PROVCE LANDS WESTWARD.

The two Houses proceeded this Day to the Election of three Gentlemen to be Commissioners to repair to the Western Frontier, & to make Inquiry about the Province Lands there &ca

And the following Gentlemen were chosen by the Major Vote of the Council & House of Representatives; vizt Samuel Welles, John Chandler & John Worthington Esqrs

To which Elections His Excellency signed his Consent.[1] [*Passed January 18.*

Legislative Records of the Council, xx., 173.

*Ante*, p. 106, chap. 246.

## CHAPTER 259.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE GENERAL ACCOUNTS OF THE LATE TREASURER WM FOYE ESQR.

Province of the Massachusetts Bay Boston January 16. 1754.

The Committee to whom was referred the Examination of the Accompts of William Foye Esqr late Treasurer & Receiver General of his Majesty's Revenues within the Province of the Massachusetts Bay in New England, begining the 8th day of February 1753 & ending the 16th day of January 1754, having attended that Service upon examining the same find them right cast & well vouched; by which it appears that the said Accomptant chargeth himself with

Legislative Records of the Council, xx., 173.

House Journal, pp. 186, 187. *Ante*, p. 107, chap. 249. *Supra*, chap. 257.

[1] Not found in the House Journal.

the Sum of Six Thousand two hundred & ninety Pounds nineteen Shillings & two pence, the Ballance in his Hands ꝑ last Accoᵗ and with the Sum of Forty eight Thousand three hundred & three Pounds three Shillings & two pence three farthings outstanding of the several Assessments per last Accompt, and with the Sum of One Thousand four hundred & forty nine Pounds ten Shillings & eleven pence, since received for Excise upon Liquors, and with the Sum of Thirty Pounds seventeen Shillings recᵈ of Andrew Boardman Esqʳ for Excise on Tea, &cᵃ in Middlesex, & with the Sum of Five hundred & fifteen Pounds four Shillings & ten pence, received of John Erving Esqʳ for Lands sold him by a Committee of the General Court, and with the Sum of Thirty seven Pounds received of James Minot Esqʳ & Committee for Lands sold at Hoosuck and with the Sum of Five hundred thirty eight Pounds Sixteen Shillings & four pence received of the Directors of the late Lottery, and with the Sum of Ten Pounds five Shillings received for Fines, and with the Sum of One Thousand One hundred & twenty Pounds One Shilling & one penny received of Daniel Russell Esqʳ Commissʳ of Impost, being the Ballance of his Accompt, and with the Sum of Forty Pounds ten Shillings received of Samuel Watts Esqʳ & Committee, for Lands sold Benjamⁿ Houghton, and with the further Sum of Two hundred & thirty three Pounds eight Shillings & four pence farthing, received for Excise on Liquors, and with the Sum of Three Thousand Pounds received of the honᵇˡᵉ Samuel Watts Esqʳ & Committee in small Bills made for Change in 1750; All which Sums amount to the Sum of Sixty one Thousand, five hundred & sixty nine Pounds fifteen Shillings & eleven pence.

The Committee further find that the Accomptant hath discharged himself by sundry Payments & Disbursements made by Order of his Honour the Lieutenᵗ Governʳ with the Advice of the Council amounting to Ten Thousand & eighty Pounds ten Shillᵍˢ & seven pence, & by Government Securities burnt by a Committee of the General Court since last Account Two Thousand three hundred & eighty two Pounds thirteen Shillings & eleven pence; and by one Years Interest payable on sundry Notes payable January 1754. Six hundred & forty two Pounds nineteen Shillings & two pence, and by sundry Lottery Tickets, Principal & Interest paid, amounting to Three Thousand four hundred & ninety nine Pounds sixteen Shillings, And by Province Bills burnt by a Committee of the General Court, amounting to Three Thousand seven hundred & ninety five Pounds five Shillings, and Bills burnt by said Committee Two Thousand nine hundred & thirty four Pounds three Shillings & two pence, outstanding of the several Assessments, as by a particular Accompt rendered by the honᵇˡᵉ Samuel Watts Esqʳ & Committee of the General Court, Thirty three Thousand, three hundred & fourteen Pounds Sixteen Shillings & one penny, and by Government Securities burnt by a Committee of the General Court January 11. 1754. One Thousand & fifty seven Pounds eighteen Shillings & ten pence; All which Sums amount to the Sum of Fifty seven Thousand seven hundred & three Pounds two Shillings & nine pence; and by Nineteen hundred & ninety five Pounds twelve Shillings Deficiency in the Cast, and the Sum of One Thousand eight hundred seventy one Pounds one Shilling & two pence Ballance in hand; but the Consideration of the above mentioned Deficiency not lying with this Committee, the Ballance must appear to them to be Three Thousand eight hundred & Sixty Six Pounds thirteen Shillings & two pence,

(Signed) JAMES OTIS ꝑ Order.

Read & Accepted, &

*Ordered*, that the said late Treasurer William Foye Esq[r] be accountable for the Sum of Three Thousand eight hundred & Sixty Six Pounds thirteen Shillings & two pence. [*Passed January 18.*

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## CHAPTER 260.

ORDER GRANTING TO MARY TRUMBAL LICENCE TO KEEP AN INN.

A Petition of Mary Trumbal of Charlestown, praying that She may be allow'd to keep a House of publick Entertainment in the said Town in the Place where her late Husband dec[d] carried on that Employment.

Legislative Records of the Council, xx., 176. Mass. Archives, cxi., 287.

Read &

*Ordered* that the prayer of the Petition be So far granted That the Justices of the Court of General sessions of the Peace for the County of Middlesex at their Adjournment on the Last Tuesday of Jan[ry] Currant be & hereby are Impowered (if they See fit [1] to Grant the Petitioner Licence to keep a House of Publick Entertainment In Charlestown She first Obtaining the Approbation of the selectmen of Said Town The Time for Granting of Licences being Elapsed Notwithstanding. [*Passed January 18.*[2]

Mass. Archives, cxi., 285. House Journal, pp. 184, 185.

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## CHAPTER 261.

VOTE GRANTING TO JOHN FRANKLYN AND COMP[A] 1,500 ACRES OF LAND.

A Petition of John Franklyn & others, shewing that they have been at great Expence for introducing foreign Protestants and settling them within this Province, for the Carrying on several Manufacturers useful to the Publick, & among other Things they have at great Charge set up the making of Potash, which they apprehend will be of great Service to the Province, therefore praying for Encouragement from this Court, either by granting them a Sum of Money, or otherwise as this Court shall judge best.

Legislative Records of the Council, xx., 175.

Mass. Archives, xv[a]., 232. House Journal, pp. 131, 179, 185. Province Laws, iii., 836, note. *Ante*, p. 8, chap. 3; p. 19, chap. 28.

Read &

*Voted* that there be & hereby is granted to the said John Franklyn & Company Fifteen Hundred Acres of Land to be laid out in the Unappropriated Lands of the Province, adjoining to some Town or District, in a regular Form, by a skilful Surveyor & Chainmen on Oath, & that they return a Plan thereof to this Court within three Years for Confirmation. Provided the said Franklyn & Company their Heirs & Assigns do carry on the several Manufactures which the said Company are now engaged in, at German Town for the Space of seven years at least from this Time; Otherwise the said Lands to revert to the Government. And as a further Encouragement to said Franklyn & Company, that the Captain General be desired to exempt twelve of the Workmen, such as said Company

[1] *Sic*, as to absence of parenthesis.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 19.

shall chuse from Millitary Duties, so long as the said Manufactory shall be carried on, and that the said Twelve Men be excused from Serving as Tything Men, Constables, Grand Jurors & Petit Jurors & Working at High Ways, & be freed from all Taxes, except Ministerial, so long as said Manufactories shall be carried on. [*Passed January 19.*

## CHAPTER 262.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF MIDDLESEX AND ALLOWING £2. 8. 2 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xx., 177.

House Journal, p. 193. Province Laws, iii., 742, note. *Ante*, p. 26, chap. 46.

THE COMMITTEE appointed to let out to farm the Excise on Strong Drink in the County of Middlesex reported that they had let out the same to William Story for the Sum of Seven hundred & thirty six Pounds, & have taken Bonds & lodged them in the Treasury, their own Charge being £2.8.2. Read & Accepted, &

*Ordered* that the said Committee be allowed & paid out of the publick Treasury the Sum of Two Pounds, eight Shillings and two pence in full for their Time & Expences in farming said Excise. [*Passed January 21.*

## CHAPTER 263.

ORDER GRANTING TO JAMES DAY LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 177. Mass. Archives, cxl., 272.

House Journal, p. 195.

A PETITION of James Day, Praying that the Court of General Sessions for the County of Suffolk may be impowered to grant him a Licence to keep Tavern in the House called the Sun Tavern in Boston:

Read &

*Ordered* that the Prayer of the Petition be So far granted that the Justices of the Court of General Sessions of the peace for the County of Suffolk at their Adjournment be & hereby are Impowered (If they See fit) to Grant Licence to the Pet$^{r}$ to keep A House of Publick Entertainment At y$^{e}$ place Mentioned in the pet$^{n}$ he Obtaining the Approbation of the Select men of the Town of Boston The time for Granting of Licences being Elapsed Notwithstanding. [*Passed January 21.*

## CHAPTER 264.

ORDER ACCEPTING REPORT OF COMMITTEE IN REGARD TO ACCOUNTS OF THE LATE TREASURER.

Legislative Records of the Council, xx., 177.

House Journal, pp. 193, 194, 196, 197. *Ante*, p. 107, chap. 249.

THE COMMITTEE appointed the 16$^{th}$ Instant to receive the Ballance of the late Treasurer Foyes Accompt that might be in his Hands & to consume to Ashes the Lottery Tickets belonging to the Province, have attended the Service & have received from the said M$^{r}$ Foye the Sum of Fifteen hundred Pounds, which they have paid to M$^{r}$ Treasurer Gray, taking his Receipt therefor; the Remaining Bal-

lance being Two Thousand three hundred & Sixty Six Pounds thirteen Shillings & two pence the said Mr Foye is still accountable to the Province for, Which is submitted

Jacob Wendell per Order

Read & Accepted; &

*Ordered* that the said late Treasurer Mr Foye be still accountable to the Provce for the Sum of Two Thousand three hundred & Sixty six Pounds thirteen Shillings & two pence. [*Passed January 22.*

*Ante*, p. 111, chap. 259.

## CHAPTER 265.

ORDER GRANTING TO JOSEPH GOLDTHWAIT LICENCE TO KEEP AN INN.

A Petition of Joseph Goldthwait of Boston shewing that he lives in a House convenient for the Entertainment of Coasters, Praying that the Court of Genl Sessions of the Peace for the County of Suffolk may be impowered to grant him a Licence to keep a Tavern there:

Read &

*Ordered* that the prayer of the Petition be so far granted that the Court of Genl Sessions of the peace for the County of Suffolk be impowered at ye Time to which they Stand Adjourned (if they See fit) to Licence the petr to keep a house of publick Entertainment he Obtaining the Approbation of the Selectmen of the Town of Boston the time for Granting of Licences being Elapsed Notwithstanding. [*Passed January 22.*

Legislative Records of the Council, xx., 178. Mass. Archives, cxi., 289.

Mass. Archives, cxi., 288. House Journal, p. 196.

## CHAPTER 266.

VOTE CONFIRMING THE ASSESSMENTS FOR MINISTERIAL TAXES LEVIED AT LEICESTER.

Whereas in assessing the Inhabitants of the Town of Leicester for the Ministry Taxes, the Assessors of the Town of Leicester made the said Rate or Assessment, & Disputes have arisen whether the said Assessors have Power to do the same, being only Assessors for the Town, Therefore

*Voted* that the said Assessment so made & signed by the Assessors of the said Town shall be deemed and held good & valid to all Intents & Purposes; any Disputes that have arisen concerning the same notwithstanding. [*Passed January 22.*

Legislative Records of the Council, xx., 178.

House Journal, p. 196.

## CHAPTER 267.

ORDER ALLOWING £6. 2. 8 TO RICHd SMITH.

A Petition of Richard Smith, Praying for an Allowance of his Charge in dieting divers Sea Men enlisted by Order of this Government in the Year 1745, for maning his Majesty's Ship Vigilant:

Read &

Legislative Records of the Council, xx., 178. Mass. Archives, cv., 465.

Mass. Archives, cv., 464. House Journal, pp. 109, 123, 195. Province Laws, xiii., 466. chap. 4.

*Ordered* that the prayer of the Petition be granted And that the petitioner Rich[d] Smith be Allowed & paid out of the publick Treasury the Sum of Six pounds 2/8 in full of his Acc[t] for Billeting the Men Mentioned in the petition. [*Passed January 22.*

## CHAPTER 268.

ORDER IMPOWERING CASAR FERRIT, INDIAN, TO SELL LAND.

Legislative Records of the Council, xx., 179. Mass. Archives, xxxii., 430.

A PETITION of Cæsar Ferret of Natick, Indian Planter, shewing, that by Disappointments in his Business he is brought into Debt, praying that he may be allowed to sell twenty Acres of his Land in Natick, for the Payment of his Debts, & for building him a Convenient Dwelling House with the Remainder.

Mass. Archives, xxxii., 429. House Journal, p. 198. *Ante*, p. 110, chap. 256.

Read and

*Ordered* that the Prayer of the Petition be granted and the Petitioner have Liberty (with the Assistance and under the direction of the Guardians of the Indians in Natick provided they approve thereof) to make Sale of Twenty Acres of his Land for the most that may be, due Notice being previously given of the intended Sale, the proceeds of such Sale to be applied by said Guardians for discharging the Petitioners just Debts, and the remainder (if any there be) to be improved for the best Advantage of the Petitioner. [*Passed January 23.*

## CHAPTER 269.

ORDER ALLOWING £6 TO WANNANPAUGUS, INDIAN.

Legislative Records of the Council, xx., 180. Mass. Archives, xxxii., 432.

A LETTER from M[r] Timothy Woodbridge of Stockbridge, to David Mosely Esq[r] a Member of the House of Representatives, moving that an Allowance may be made for the Support of Wannanpaugus an Indian of that Place.

Mass. Archives, xxxii., 431. House Journal, pp. 196, 198.

[Read &]

*Ordered* that the Sum of of[1] Six pounds be paid out of the Publick Treasury & put into the Hands of S[d] Woodbridge and by him to be Employed for the support and Comfort of the S[d] Wannanpaugus in his Old Age. [*Passed January 23.*

## CHAPTER 270.

ORDER APPOINTING A COM[TEE] TO SELL LANDS BETWEEN THE TOWNSHIP OF SUNDERLAND AND MILLERS RIVER.

Legislative Records of the Council, xx., 180. Mass. Archives, lxlvi., 343.

In the House of Rep[r]

*Ordered* that M[r] Speaker & Captain Joseph Williams with such as the honourable Board shall Join be a Committee to Make Sale of that Tract of Province Land Lying between the Township of Sunderland & Millers River & That the Same be sold in the Town

House Journal, pp. 145, 201.

[1] *Sic.*

of Boston within fifteen days from this time to the highest Bidder And that the S[d] Committee Notify the Same in the Evening post as Soon as may be.

In Council. Read & Concur'd & Andrew Oliver Esq[r] is joined in the affair. [*Passed January 24.*

## CHAPTER 271.

VOTE ALLOWING £500 TO M[R] AGENT BOLLAN.

Legislative Records of the Council, xx., 180.

*Voted* that the Sum of Five hundred Pounds Sterling be paid out of the publick Treasury to to [1] M[r] Agent Bollan [to] enable him to transact the Affairs of the Province at the Court of Great Britain, he to be account[ble] therefor. [*Passed January 24.*

House Journal, pp. 198, 199, 200.

## CHAPTER 272.

ORDER ALLOWING £4. 10 TO TIM[O] BROWN.

A Petition of Timothy Brown of Swanzey in New Hampshire, shewing that by Encouragement from this Court in 1748, he went as Pilot to Canada with Persons that went to redeem their Children, that his Allowance was far short of answering for his Expence & Loss of Time; and therefore Praying for some further Allowance for his said Service from this Court:

Legislative Records of the Council, xx., 181. Mass. Archives, lxxiv., 164.

Read &

*Ordered* that there be Allowed & paid out of the Publick Treasury to the Pet[r] Tim[o] Brown the sum of Four pounds Ten shillings In full Satisfaction for his services mentioned in the Petition. [*Passed January 24.*

Mass. Archives, lxxiv., 163. House Journal, pp. 195, 200.

## CHAPTER 273.

ORDER DIRECTING PAYMENT TO GEO. MOOREY & OTHERS OF CHARGES FOR COMMITTING A PRISONER.

A Petition of George Moorey, Deputy Sheriff of the County of Bristol, Abiah Lee late Keeper, and Jonathan Carver present Keeper of the Goal there, shewing that they were at great Charge in the Committment & Subsistence of Ruth Hodges committed under Suspicion of her being concerned in the Murther of a Bastard Child; of w[ch] she was upon Trial acquitted, and she permitted to go without Day; and for as much as the Petitioners are not able to recover their Charges, Praying that this Court would give Orders for the Payments thereof.

Legislative Records of the Council, xx., 182. Mass. Archives, xliii., 753.

Read &

*Ordered* that this petition be revived & that the prayer Thereof be so far granted as that the Justices of the Court of General sessions of the peace for the County of Bristol at their Next sessions be & hereby are directed to Issue their Warrants on the County

Mass. Archives, xliii., 752. House Journal, p. 202.

[1] *Sic.*

Treasurer for S[d] County for the Payment of the Charges Mentioned in the petition having first Estimated the Reasonableness of the s[d] Demands. [*Passed January 24.*

## CHAPTER 274.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED FOR SELLING PROVINCE LANDS AND ALLOWING THEM BALANCE OF THEIR ACCOUNT 8/ 5½[d].

Legislative Records of the Council, xx., 185. Mass. Archives, xlvi., 342.

THE COMMITTEE appointed to make sale of Province Lands report as follows,

Mass. Archives, xlvi., 341. Legislative Records of the Council, xx., 75. House Journal, pp. 66, 200, 201. Province Laws, xiv., 550, chap. 30; 696, chap. 159.

| | | |
|---|---|---|
| The Land sold to Edmund Quincy Esq[r] and by him released to John Erving Esq[r], adjoining to Rhode Island, sold for | | £524. 4. 10 |
| said Erving paid into the Treasury | £515. 4. 10 | |
| The Land sold to Joseph Wilder Esq[r] & by him released to the above John Erving Esq[r] | 9. 0 0 | |
| | 524. 4. 10 | |
| Adjoin[g] to New Salem; sold for | | 152. 0. 0 |
| said Erving paid into the Treasury | 149. 0. 0 | |
| advanced to the Committee | 3. 0. 0 | |
| | 152. 0. 0 | |
| Land sold to James Allen Esq[r] & by him releas'd to M[r] Downs at Luneuburgh, sold for | | 15. 0. 0 |
| Land sold to Col[o] Royal, and by him releas'd to Houghton & Whetcomb, the Deed left in Col[o] Chandlers hands, not to be recorded untill the said Chandler Receives the Money for the Province Use | | 40. 0. 0 |
| Accountable to Col[o] Chandler | £38. 4. 0 | |
| Account[ble] to the Committee | 1. 16. 0 | |
| | 40. 0. 0 | |
| Land at Sunderland, put up at £500, No Bidders, the Com[tee] with the hon[ble] Tho[s] Hubbard Esq[r] proposed to take it at that Price, but Col[o] Heath dying who was one of the said Committee, Nothing was further done in the Affair; of which said Hubbard has already informed the hon[ble] House of Representatives. | | |
| Land at Charlemont was put up according to the Order of the Court; but no Bidders appeared | | |

The Committee discharges themselves agreable to the above Acco[t] as per the Accompt herewith exhibited, and pray an Order for the Ballance thereof being Eight Shillings & five pence half penny. All w[ch] is humbly submitted

SAM[L] WATTS per Order.

Read & Accepted &

*Ordered* that the Committee be Allowed & paid Out of the publick Treasury the Ballance of their Acc[t] being Eight shillings & five pence ½ Penny [*Passed January 24.*[1]

## CHAPTER 275.

ORDER ALLOWING £24. 18. 8 TO JN[O] ASHLEY.

Legislative Records of the Council, xx., 178. Mass. Archives, xxxii., 423.

AN ACCOMPT presented by Capt John Ashley one of the Committee for managing the Affairs of the Indians of the Six Nations, coming to Stockbridge of his Expences on the said Indians:

Mass. Archives, xxxii., 422. Legislative Records of the

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 25.

[Report] Read &
*Ordered* that the Above Report be Accepted And that there be Allowed & paid out of the publick Treasury the Sum of Twenty four pounds 18/ 8 the Sum of the within Acc[t] to John Ashley Esq[r]. [*Passed January 25.*[1]

Council, xx., 180. House Journal, pp. 197, 202. Province Laws, xiv., 567, chap. 74; 597, chap. 155.

## CHAPTER 276.

VOTE ALLOWING £161. 15. 8 TO JOSEPH DWIGHT ESQ[R] AND THREE RIGHTS IN THE TOWNSHIP LYING BETWEEN NORTHAMPTON & POONTOSUCK.

A Memorial of Joseph Dwight Esq[r] shewing that in his Accompt herewith exhibited of his Disbursem[ts] on the Mohawk Indians at Stockbridge there is contained an Article of Charge for the Subsistence of M[r] Hollis's Indian Scholars, put under the Memorialists Care by Martin Kellog now Dec[d] praying that the whole may be paid out of the publick Treasury, and that an Allow[ce] may be made for his Service in Province Lands or otherwise.

Legislative Records of the Council, xx., 174, 180. Mass. Archives, xxxii., 439.

Mass. Archives, xxxii., 438.

The Committee appointed to consider the Memorial of Joseph Dwight Esq[r] with the Accompt Accompanying the same, have attended that Service, examined the Accompts, and heard him thereon; and by said Accompt, which appears to be right Cast & well vouched, they find that he hath expended the Sum of Three hundred twenty two Pounds nineteen Shillings, including M[r] Hollis's Seventeen Boys, & has received but £11.3.4 so that the Ballance due to him is £311.15.8 and whereas Capt Martin Kellog had formerly the Care of M[r] Hollis's Scholars, both as to Maintenance & Instruction; for which he usually drew Bills of Exchange on the said M[r] Hollis, which Bills were accepted & paid, and on the 25 of February last Capt Kellog relinquished that Business, & committed the same to the Memorialist Joseph Dwight Esq[r] who hath had the Care of the seventeen Boys ever since; whose Maintenance & Education hath been at least One hundred & fifty Pounds Charge.

Legislative Records of the Council, xix., 374. House Journal, pp. 188, 202. Province Laws, xiv., 682, chap. 132.

The Committee are of Opinion that the said Joseph Dwight Esq[r] be desired to apply himself immediately to the Executors of the said Capt Kellog, to procure if possible from them a Sett of Bills of Exchange on M[r] Isaac Hollis, payable to himself or Order for £125 Sterling, which is but equal in Value to £150 Lawful Money, the Cost of their Expences & Education; and cause the same to be forwarded to M[r] Hollis for Acceptance & Payment, which when done, he is to lodge it in the Province Treasury in lieu of what the Province may allow on his Accompt for this Service.

And whereas the said Dwight has lain out of £200 of his last Grant for more than twelve Months, and hath been advancing his own Money ever since for the Articles of his present Accompt, and has had the intire Care of the Mohawks at Stockbridge the last Year: The Committee report as their Opinion that . . .[2] Acres of the Unappropriated Lands of the Province be granted him to be contingent to some Township or District in full for his said Services; a Plat thereof to be returned to this Court within twelve Months for Confirmation; Which is submitted,

By Order of the Com[tee] J. Quincy

[1] This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is January 24.

[2] *Sic*, in both copies of Legislative Records of the Council.

The within Report was Read & Thereupon

*Voted* that there be allowed & paid out of the Publick Treasury to Joseph Dwight Esq$^{r}$ the Sum of One Hundred & sixty one pounds 15/8 being the Ballance of his Accompt Exhibited as one of this Courts Com$^{te}$ to provide for the Mohawks at Stockbridge which is Exclusive of the Sum of One Hundred & fifty pounds contained in S$^{d}$ Accompt which he Supply'd the Indian Boys in the School (of M$^{r}$ Isaac Hollis) at Stockbridge And that there be & hereby is granted Unto the S$^{d}$ Jos Dwight his Heirs & assigns Three Rights in the Township Lying between Northampton & Poontosuck Ordered to be Opened this session he performing the Conditions of Settlement Upon Each of S$^{d}$ Rights which Lands are in full Satisfaction for his Time & Expences respecting S$^{d}$ Mohawks. [*Passed January 25.*[1]

## CHAPTER 277.

ORDER APPOINTING A COM$^{TEE}$ FOR REPRINTING LAWS.

Legislative Records of the Council, xx., 181.

Mass. Archives, xlvii., 382, 383. House Journal, p. 200.

In the House of Representatives;

*Ordered* that M$^{r}$ Speaker, Samuel Welles, & James Otis Esq$^{rs}$ with such as the hon$^{ble}$ Board shall join be a Comm$^{tee}$ as soon as may be to cause such of the Laws now in force, which have not been bound up, either among the Temporary or Perpetual Laws, to be inserted in their proper Places; and if any of them are out of Print to cause the same to be reprinted; And that the Titles of such Laws be inserted in a Page at the begining of the respective Law books.

In Council; Read & Concur'd; And Samuel Danforth & Joseph Pynchon Esq$^{rs}$ are joined in the Affair. [*Passed January 25.*[2]

## CHAPTER 278.

ORDER RECOMMITTING THE REPORT ON THE PET$^{N}$ OF THE PUNCAPAUG IND$^{NS}$.

Legislative Records of the Council, xx., 182. Mass. Archives, xxxii., 462.

Legislative Records of the Council, xx., 156, 163, 172. House Journal, pp. 188, 203. *Ante*, p. 103, chap. 241.

SAMUEL DANFORTH, ESQ$^{R}$ from the Committee on the Pet$^{n}$ of Samuel Moho & others Puncapaug Indians, gave in their Report.

The Committee appointed to audit the Accompts of Samuel miller & John Sheppard Esq$^{rs}$ Guardians of the Punkapog Indians, and to consider of some method for repairing the Damages sustained by said Indians in the strip & wast made on their Lands, as also of some proper method for this Court to express their just Displeasure at the said Guardians neglect of Duty; having attended that Service, & examin'd the said accompts, & heard & consider'd the Evidence produced in support of the several articles of which they consist are of opinion that said accompts (as amended by the Committee) be allow'd, and that Samuel miller Esq$^{r}$ stand Charg'd with £1.5.1 (the Ballance of his accompt,) and with the several Bonds & promisary Notes therein mentioned; and that John Sheppard Esq$^{r}$ stand chargeable for £8.18.6 the Ballance of his Acco$^{t}$ also that there appears to be due to the Heirs of m$^{r}$ Thomas Wiswall Dece'd

[1] This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is January 24.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 24.

(who was one of the Guardians of s[d] Indians) the Sum of £3.6.10½ upon Ballance of his Accompt. and in relation to the Damages sustained by said Indians in the Strip & wast made on their Lands. the Committee are of Opinion that inasmuch as this Government had by a Law put the Lands belonging to those Indians into the Hands of Guardians appointed by this Court, and the Damages sustained, were in great measure occasioned by the male Conduct of Those whom the Government had intrusted with the Care of S[d] Indians & their Interest that therefore the Sum of One hundred Pounds be advanced out of the Publick Treasury, & put into the Hands of the Guardian or Guardians that shall be appointed for said Indians, by them to be Let out to Interest or otherwise applyed for the said Indians Comfort & Relief as occasion may require.

and forasmuch as it has been Resolved by this Court (after a full Hearing of the Parties concern'd) that a great part of the Strip & Wast mentioned was made by the Privity and Connivance of the said Sheppard, & some part actually done by himself; and forasmuch as this Court are by the Royal Charter expressly authorized to impose Fines & mulcts & that Power in the opinion of the Committee cannot be exercised with more Propriety than on this occasion as the said Guardians were appointed by this Court, & the abuse suffer'd by the Indians was done under Colour of authority derived from the Government, The Committee are humbly of Opinion that said John Sheppard Esq[r] be mulcted by this Court in the Sum of Eighty Pounds to be forth with paid or secured to be paid into the Province Treasury for the Use of this Government and that he be discharged from his said Guardianship & be rendered incapable hereafter to sustain that Trust, or any other Post of Trust or Honour under this Government.

and whereas Samuel Moller Esq[r] has been deemed by this Court to be chargeable of Neglect of his Duty as Guardian to said Indians the Committee are of Opinion that he be discharged from his said Trust & be disabled from sustaining the same for the future also that he be mulcted the Sum of Ten Pounds to be forthwith paid or secured to be paid into the Publick Treasury for the Use of the Province. and that a Bill be prepared accordingly. which is humbly submitted

℔ order Samuel Danforth

Read &

*Ordered* [that] [1] this Report be Re-Committed to the same Committee, And that they make Report at the next Sitting of this Court. [*Passed January 25.*[2]

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# CHAPTER 279.

VOTE FOR DISMISSING THE GARRISON AT THE FORT AT N° 4.

Legislative Records of the Council, xx., 182. Mass. Archives, lxxiv., 166.

*Voted* that from and after the 20[th] Day of February next no further Provision be made, for the Pay & subsistance of the Ten men now posted at N° 4. (So Called). and that the Captain General be Desired to Direct Capt[n] Phinehas Stevens to take care that the artillery and other Warlike Stores there be Secured for the Service of the Government. [*Passed January 25.*[2]

Legislative Records of the Council, xx., 53. House Journal, pp. 163, 205.

[1] Inserted from Legislative Records of the Council, xx., 182.

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 24.

Legislative Records of the Council, xx., 183. Mass. Archives, xxxii., 464.

House Journal, p. 206. Province Laws, xiv., 567, chap. 74.

## CHAPTER 280.

ORDER ALLOWING £75 TO JOSEPH DWIGHT, ESQR.

*Ordered* that the Sum of Seventy five pounds be Allowed & paid out of the Publick Treasury to the Honr Joseph Dwight Esqr to Enable him to provide for the Mohawks at Stockbridge he to be Accountable therefor. [*Passed January 25.*

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## CHAPTER 281.

ORDER FOR CHARGO YE LATE TREASR WITH MONEY PAID BY BENJA HOUSE.

Legislative Records of the Council, xx., 183.

House Journal, pp. 203, 206. *Ante*, p. 32, chap. 64.

WHEREAS the late Treasurer Mr Foye has in his List of Debts, that he exhibited to a Committee of this Court chosen at their Session in May last represented a Debt due to the Government, an hundred & twelve Pounds last Emission Money, of Benjamin House of Scituate, Constable for the Year 1744; and it appearing by an authentick Copy of said House's Receipt, that he paid said Treasurer Foye & his Clerk, the full of the Sum committed to him to collect. Wherefore

*Ordered* that the said William Foye Esqr charge himself with the said Sum of One hundred & twelve Pounds five Shillings last Emission Money; and that Mr Treasurer Gray when Mr Foye is charged with said Sum, discharge himself thereof accordingly. [*Passed January 25.*

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## CHAPTER 282.

ORDER DIRECTING THE PROVINCE TREASURER TO BORROW £500, AND TRANSMIT THE SAME TO AGENT BOLLAN.

Legislative Records of the Council, xx., 183.

House Journal, p. 207. *Ante*, p. 43, chap. 93.

*Ordered* that the Province Treasurer be directed to borrow the Sum of Five hundred Pounds Sterling on Interest, the Sum granted to Mr Agent Bollan this Session, to enable him to sollicit the Affairs of the Province at the Court of Great Britain, & transmit the same to him as soon as may be. [*Passed January 25.*

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## CHAPTER 283.

ORDER IMPOWERING WM BOWDOIN & JAMES BOUTINEAU AND OTHERS, GUARDIANS, TO SELL REAL ESTATE.

Legislative Records of the Council, xx., 183. Mass. Archives, xix., 85.

Mass. Archives, xix., 83. House Journal, pp. 193, 203.

A PETITION of William Bowdoin & James Bowdoin, James Pitts & Elisabeth his Wife, Balthazar Bayard & Mary his Wife, Melatiah Bourn & Mary his Wife, & the said William Bowdoin & James Boutineau as they are Guardians of the five Youngest Children of the said Balthazer & Mary Bayard, shewing that the Real Estate of James Bowdoin Esqr deceased, wherein they are concerned is already divided among the Heirs, saving the several Houses & Lands enu-

merated in the Pet$^{n}$ & for as much as divers of the Heirs are Minors, whose Advantage it will be to have the Estate sold; Therefore Praying that their Guardians may be impowered to join with the rest of the Heirs in making Sale of the said Houses & Lands. *Ante*, p. 78, chap. 176.

[Read &]

*Ordered*

That the Prayer of the Petition be granted, & that William Bowdin, and James Boutineau, Gaurdians to the Six Children of Mary Bayard, viz$^{t}$ Mary Bourn (the wife of Maletiah Bourn) James, William, Mehetible, Phebe, and Sarah Bayard To Whome the Honourable James Bowdin Esq$^{r}$ Deceased, gave one Seventh part of Said Lands, as by his Last Will and Testament appears, In there Capasety be and they are hereby authorized, to Joyn with the other Relatives and Coheirs in the Sale of the primisses for the most it will fetch, and to Execute a good Deed or Deeds of Conveyance of the Same, they giving publick Notice thereof (previous to the Sale) In time and manner as Prescribed in the Law of this Province in Such Cases, They giving Sufficiant Caution to the Judge of Probate for the County of Suffolk, that the Proceeds of Such Sale, Shall be Duely applied, and put out at Interest for the benifit of Mary Bourn, James, William, Mehetible, Phebe, and Sarah, Bayard, the Minors, and that both Principle, and Interest, be Dilivered them (Necessary Charges being first Deducted) when they Shall arive at Lawful age, The Said Guardians to be accountable to the Judge of Probate for the time being, of the County affore Said, for there Proceedings in the primesses. [*Passed January 25.*

## CHAPTER 284.

ORDER IN REGARD TO PETITION OF JN$^{O}$ KUSKSHAUMP TO SELL LAND.

A Petition of John Skusshaump[1] of Stockbridge, Indian, shewing that by Reason of thirteen Years Sickness he is utterly disabled from doing any Thing for his Support, praying for Liberty from this Court to sell Fifty Acres of his Wood Land lying at Stockbridge, the Produce to be laid out for his Support. Legislative Records of the Council, xx., 184. Mass. Archives, xxxii., 436.

Read &

*Ordered* that John Worthington Esq$^{r}$ Enquir into the Circumstances of the pet$^{r}$ and if he think proper to make Sale of the Land Mentioned in the Pet$^{n}$ & Cause the produce thereof to be applyed for the support & maintainence of the pet$^{r}$ & his family. [*Passed January 25.* Mass. Archives, xxxii., 435. House Journal, p. 206.

## CHAPTER 285.

ORDER REFERRING ALL UNFINISHED MATTERS.

*Ordered* that all Matters now before this Court & not pass'd on be referred to the next Sitting of the Court, & have the same Day in that as was assigned at this Sitting. [*Passed January 25.* Legislative Records of the Council, xx., 185. House Journal, p. 206.

[1] The signature in Mass. Archives, xxxii., 435, is "John Kuskshaump."

# CHAPTER 286.

## VOTE IN REGARD TO THE INDIAN SCHOOL AT STOCKBRIDGE.

Mass. Archives, xxxii., 460.

Legislative Records of the Council, xx., 101. House Journal, pp. 101, 202, 203. Province Laws, xiv., 682, chap. 132. *Ante*, p. 119, chap. 276.

THE COMMITTEE appointed to take under consideration that Paragraph of his Excellency's Speech which relates to the cultivating the Friendship of the Indians of the Six Nations have inquired into the State of that Affair and are humbly of opinion that the Obstructions which it hath met with at Stockbridge have been in a great measure owing to an unhappy difference between divers of the Persons employed in that Service. But as One of them is now dead & some others of them at present discharged from their Service at Stockbridge & removed elsewhere and as there yet remains 41 Persons of those Tribes at Stockbridge & more may be expected there is still a prospect of carrying on that Affair to some good purpose if a suitable person was appointed by this Court to undertake the more immediate instruction and Support of those Indians which now are, or may hereafter come to Stockbridge.

And as Cap$^{n}$ Kellog is now dead, who was employed by M$^{r}$ Isaac Hollis of London to educate & maintain 24 Indian Youth & Children at his own Expence, & as M$^{r}$ Hollis has now no Agent in the Province to carry his good design into Execution: The Committee are therefore humbly of opinion that Brigadier Dwight (who has since the decease of Cap$^{n}$ Kellog taken care that the Affair should not drop) should have the directions of this Court still to pursue the design for six months longer at the charge of the Province except M$^{r}$ Hollis's Orders about it should come to hand sooner. And that a Letter be wrote to M$^{r}$ Hollis recommending said M$^{r}$ Dwight as a suitable person to be intrusted by him with the further prosecution of that Affair.

The Committee are further of Opinion that a Letter be wrote to the Exec$^{rs}$ of S$^{r}$ Peter Warren dec$^{d}$ desiring that they would give Orders respecting the Sum of £700 Ster$^{g}$ which he had appropriated for the like Service.

Which is Humbly submited ℔ SAM$^{L}$ WATTS ℔ Ord$^{r}$

Read & Whereas it appears that Cp$^{t}$ Martin Kellogg who was Employed by M$^{r}$ Isaac Hollis to Support & Educate at his Charge Twenty four Indians Boys is Now Dead & that the S$^{d}$ M$^{r}$ Hollis School must Drop Unless some person be Employed to take care of the Same Until his Order be Sent to Some person for that purpose from great Brittain Therefore

*Voted* that The Hon$^{r}$ Joseph Dwight Esq$^{r}$ be Impowered at the Charge of this Government to Continue the S$^{d}$ School at Stockbridge Untill the S$^{d}$ M$^{r}$ Hollis pleasure be Known respecting the Same provided it Exceed not the Term of Six months from this time

And that the secretary be directed to write to the Executors of S$^{r}$ Peter Warren Deceased desiring that they would give Orders Respecting the sum of seven Hundred pounds Sterling which he had Appropiated for the Educating of the Mohawk Children.[1] [*Passed January 25.*[2]

[1] Not found in Legislative Records of the Council.
[2] Adjourned to March 27. See the House Journal, p. 207.

## CHAPTER 287.

ORDER GRANTING TO EPHRᴹ SHERBURN LICENCE TO KEEP AN INN.

A Petition of Ephraim Sherburn of Kittery, Keeper of the Ferry between Portsmouth & Kittery, shewing how necessary it is that there should be some Tavern near the said Ferry: And therefore praying that the Court of General Sessions of the Peace for the County of York may be impowered to give the Petʳ a Licence to keep a Tavern there:

Legislative Records of the Council, xx., 187. Mass. Archives, cxi., 291.

Read &

*Ordered* that the prayer of the petition be so far granted that the Justices of the Court of General Sessions of the Peace for the County of York at their Next Term (if they See fit) grant License to the petitioner to keep a house of publick Entertainment In Kittery he first Obtaining the Approbation of the Selectmen of Sᵈ Town the time for granting of Licenses being Elapsed Notwithstanding. [*Passed March 27.*

Mass. Archives, cxi., 290. House Journal, p. 209.

## CHAPTER 288.

ORDER GRANTING TO WILLᴹ KING LICENCE TO SELL STRONG DRINK.

A Petition of William King of Salem, shewing that the Petʳ is concerned in the Fishery, which requires the Retailing of Strong Liquors; And therefore Praying that the Court of General Sessions of the Peace may be impowered to grant him a Licence accordingly.

Legislative Records of the Council, xx., 187.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Justices of the General Sessions of the Peace for the County of Essex at their present Sessions, if they see fit, be & hereby are impowered to grant the Petʳ a Licence, to retail Strong Liquors for the ensuing part of the Year: Provided he first obtain a Recomendation from the Select Men of Salem for that Purpose; The Time for granting Licences being elapsed notwithstanding. [*Passed March 27.*

House Journal, p. 210.

## CHAPTER 289.

ORDER ACCEPTING THE ACCOᵀ OF THE COMMISSARY GENERAL OF DISBURSEMᵀˢ FROM MAY 1751 TO MAY 1752.

On the Commissary General's Accompt of Disbursements from May 1. 1751. to May 1752, Ballance whereof in his Favour is £10,348.2.3 Old Tenor.

Legislative Records of the Council, xx., 192.

Read &

*Ordered* that the Sum of Ten Thousand three hundred & forty eight Pounds two Shillings & three pence Old Tenor be paid to the said Commissary General accordingly. [*Passed March 28.*

House Journal, pp. 203, 204.

## CHAPTER 290.

ORDER ACCEPTING THE ACC° OF THE COMMISSARY GENERAL OF INDIAN TRADE FROM MAY 1751 TO MAY 1752.

Legislative Records of the Council, xx., 192. Mass. Archives, cxix., 544, 545.

ON THE COMMISSARY GENERALS ACCOMPT of the Indian Truck Trade from May 1751 to May 1752, Ballance thereof in the Province Favour being £30,132.15.2 Old Tenor.

Mass. Archives, cxix., 543–545. House Journal, p. 204.

The Committee having Examin'd the within account find the same right Cast, & well Vouched, and that the Ballance of Thirty thousand, One hundred and thirty two pounds 15/2 Old Tenor, is due from John Wheelwright Esq^r^ the Officer, for Managing the Indian Trade, to 31 May 1752 which he is further to account for

J. OSBORNE ℔ Ord^r^

Read & Accepted &

*Ordered* that the Commissary General be further Accountable for the S^d^ Sum of 30,132.15.2. [*Passed March 28.*

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## CHAPTER 291.

ORDER ACCEPTING THE ACCO^T^ OF THE COMMISSARY GENERAL OF PROVISIONS FROM MAY 1751 TO MAY 1752.

Legislative Records of the Council, xx., 192. Mass. Archives, ccxlviii., 47.

ON THE COMMISSARY GENERALS SPECIE ACCOUNT from May 1751 to May 1752, Ballance in his Hands being three Barrells of Pork, ninety four Bushels & one quart of Pease.

Mass. Archives, ccxlviii., 47. House Journal, p. 204.

Examin'd the Account of Specie, and there remains due to the Province, Three ℔ Pork, and Ninety four Bushells & ¼ of pease, which Jn° Wheelwright Esq^r^ Commissary General is further to account for

J. OSBORNE ℔ Ord^r^

Read Accepted &

*Ordered* that the Above report be Accepted & that S^d^ John Wheelwright Esq^r^ be further Accountable for the s^d^ Three Barrels of Pork & Ninty four Bushel & one Quart of Pease. [*Passed March 28.*

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## CHAPTER 292.

ORDER ACCEPTING THE ACCO^T^ OF THE COMMISSARY GENERAL OF DISBURSEM^TS^ FROM MAY 1752 TO MAY 1753.

Legislative Records of the Council, xx., 192.

ON THE COMMISSARY GENERAL'S ACCOMPT of Disbursements from May 1752 to May 1753, Ballance in his Favour being £6,685.13 Old Tenor.

House Journal, p. 204.

Read &

*Ordered* that the said Sum of Six Thousand Six hundred & eighty five Pounds thirteen Shillings Old Tenor the above Ballance be paid to the Commissary General accordingly. [*Passed March 28.*

## CHAPTER 293.

ORDER ACCEPTING THE ACCO$^{T}$ OF THE COMMISSARY GENERAL OF IND$^{N}$ TRADE FROM MAY 1753 TO MAY 1754.

On the Commissary General's Accompt of the Indian Truck Trade from May 1753 to May 1754, Ballance whereof remaining in Stock being £33,245.1.1 Old Tenor. Legislative Records of the Council, xx., 192. Mass. Archives, cxix., 582, 596.

The Committee having Examined the within Acco$^{t}$ find the same right cast & well Vouched, and that the Ballance of Thirty three thousand, two hundred, & forty five pounds 1/6 Old Tenor, is due from Jn$^{o}$ Wheelwright Esq$^{r}$ the Officer, for managing the Indian Trade, which he is further to Account for Mass. Archives, cxix., 582-596. House Journal, p. 204.

J. Osborne ℔ Ord$^{r}$

Read Accepted &

*Ordered* that John Wheelwright Esq$^{r}$ be further Accountable for the Ballance of the Above Acc$^{t}$ being 33,245.1/1 Old Tenor. [*Passed March 28.*

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## CHAPTER 294.

ORDER ACCEPTING THE ACCO$^{T}$ OF THE COMMISSARY GENERAL OF PROVISIONS FROM MAY 1752 TO MAY 1753.

On the Commissary Generals Specie Accompt from May 1752 to May 1753, Ballance in his Hands being 17 Barrells of Pork & 38 Bushels of Pease. Legislative Records of the Council, xx., 192. Mass. Archives, ccxlviii., 58.

Examin'd the within account of Specie, & there Remains due to the Province, Seventeen ℔ Pork, thirty eight bushells pease, which Jn$^{o}$ Wheelwright Esq$^{r}$ Commissary General is Further to account for Mass. Archives, ccxlviii., 58. House Journal, pp. 204, 205.

J. Osborne ℔ Ord$^{r}$

[Report] Read & Accepted &

*Ordered* that the Above report be Accepted & that the s$^{d}$ John Wheelwright Esq$^{r}$ be further accountable for the s$^{d}$ Seventeen BB$^{l}$ of Pork & Thirty eight Bush$^{l}$ of pease. [*Passed March 28.*

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## CHAPTER 295.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON GOVERNM$^{T}$ NOTES, BILLS &c$^{A}$ BURNT AND DISCHARGING THE TREASURER ACCORDINGLY.

Report of Government Securities, Lottery Tickets, Bills &c$^{a}$ receiv'd of M$^{r}$ Treas$^{r}$ Gray. Legislative Records of the Council, xx., 194. Mass. Archives, ciii., 213.

Boston March 21. 1754. Received of M$^{r}$ Treasurer Gray Five hundred and Sixty five Government Securities, redeemable the twentieth day of January last, amounting to Seven Thousand fifty eight Pounds three Shillings & seven pence; The Interest thereon Four hundred & seventy four Pounds, two Shillings & four pence half penny making in the whole Seven Thousand five hundred & thirty two Pounds, five Shillings & seven pence half penny: also Government Securities redeemable the 31$^{st}$ of Decem- Mass. Archives, ciii., 213. House Journal, pp. 74, 212.

ber 1751. amounting to One hundred Sixty nine Pounds twelve Shillings & four pence; the Interest and Premium Nineteen Pounds ten Shillings, amounting in the whole to One hundred eighty nine Pounds two Shillings & fourpence: Also Two Notes in favour of Alexander M$^{c}$Kenzie, payable the 10$^{th}$ of June 1752, for Ten Pounds each, the Interest paid thereon Two Pounds eleven Shillings & four pence, amounting in the Whole to Twenty two Pounds eleven Shillings & four pence; also Thirty seven Benefit Tickets in the late Lottery amounting to Eighty seven Pounds twelve Shillings, the Interest paid thereon Six Pounds five Shillings & two pence, making in the whole, Ninety three Pounds seventeen Shillings & two pence; Also Ten hundred seventy nine Pounds eighteen Shillings & nine pence in Old Tenor Bills, One hundred forty five Pounds, five Shillings and eleven pence in middle Tennor, Thirty hundred & seventy Pounds fifteen Shillings & ten pence in last Emission Bills: All which Bills reduced to Lawful Money is Eighteen hundred & fifty nine Pounds four Shillings & nine pence. which we have seen burnt & consumed to Ashes. a true Copy Attest

J. OSBORNE ℔ Ord$^{r}$

Read & Accepted &

*Ordered* that the S$^{d}$ M$^{r}$ Treasurer Gray be & hereby is Discharged of the Several Sums Abovementioned. [*Passed March 28.*[1]

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## CHAPTER 296.

### ORDER IMPOWERING MARY CLARK, ADM$^{x}$, TO CONVEY LAND.

Legislative Records of the Council, xx., 195. Mass. Archives, xlvi., 345.

Mass. Archives, xlvi., 344. House Journal, pp. 210, 211.

A PETITION of Mary Clark Administrat$^{x}$ of the Estate of Thomas Clark late of Tewksbury dec$^{d}$ praying that she may be impowered to re-convey to Samuel Farmer divers Tracts of Land in Tewksbury which he had in the Lifetime of the said Thomas by Deed conveyed to him for his Security in Consideration of his being bound with the said Samuel, for the Payment of a Debt then owing by the said Samuel to Zechariah & Reubin Hardy, now discharged.

[Read &]

*Ordered* that the Prayer of the petition of Mary Clark adm$^{x}$ &c. be so far granted as that the Said Mary in her Said Capacity be and hereby is authorized & impowered to make and Execute a good & Sufficient Deed of release To Samuel Farmer of Tewksbury. of the Several Tracts & peices of Land. in said Tewksbury. which the Said Samuel formerly Conveyed to Thomas Clark. (to whose Estate the Said Mary is adm$^{x}$) as a Security to him the Said Thomas for his being bound with him the Said Samuel Farmer. To Zechariah Hardy & Reuben Hardy. which Securities the said Samuel has Since paid & discharged. and that the Said Deed So Executed by the Said Mary in her Said Capacity shall be held good & valid to all intents & purposes as thô Executed by the Said Thomas. [*Passed March 28.*[1]

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 29.

## CHAPTER 297.

ORDER GRANTING TO PELEG BARKER LICENCE TO KEEP AN INN.

A Petition of Peleg Barker of Pembrook in the County of Plymouth Inn-holder shewing that he is about to remove into a House set off to him of his Father's Estate Praying that the Court of General Sessions of the Peace for the said County may be impowered to licence him to keep a Tavern in said House.

Legislative Records of the Council, xx., 195. Mass. Archives, cxi., 297.

[Read &]

*Ordered* that the Prayer of the Petition be So far Granted as that the Justices of the Court of General Sessions of the Peace to be Holden at Plymouth for the County of Plymouth on the Third Tuesday of May Next be Impowered to Grant the Petitioner a Licence If they See Cause to Keep a Publick Tavarn in the Dwelling House Sett of to the Petitioner in the Division of the Estate of his Father Isaac Barker Standing about 30 Rods from the House the Petitioner now Dwells in he haveing allready obtained an approbation from the Select men of Pembrook for that Purpose the time by Law for Granting of Licences being Elapsed Notwithstanding. [*Passed March 28.*[1]

Mass. Archives, cxi., 296, 298. House Journal, pp. 210, 211, 212.

## CHAPTER 298.

ORDER GRANTING TO ARCHELAUS FULLER LICENCE TO KEEP AN INN.

A Petition of Archelaus Fuller of Middleton in the County of Essex, praying that the Court of General Sessions of the Peace for said County may be impowered to grant him a Licence to keep a Tavern in the House lately belonging to Nath[l] Peabody of said Town, well accomodated & situated for a Tavern & lately improved for that Use:

Legislative Records of the Council, xx., 195. Mass. Archives, cxi., 295.

House Journal, p. 211.

Read &

*Ordered* that the prayer of the pet[n] be So far granted as that the Justices of the Court of General sessions of the Peace for the County of Essex be Impowered at their present session (if they See fit) to Grant Licence to the petitioner to keep a House of Publick Entertainment in the Town of Middletown he first Obtaining the Approbation of the Selectmen of s[d] Town for that purpose the time for granting of Licences being Elapsed Notwithstanding. [*Passed March 28.*[1]

## CHAPTER 299.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK TO ALLOW THE CLAIM OF THOMAS HANCOCK AGAINST AN INSOLVENT ESTATE.

A Petition of Thomas Hancock Esq[r] shewing that he is Creditor to the Estate of Henry Johnson late of Boston, Shopkeeper dec[d] which has been represented & deemed Insolvent, and the Commissioners for examining Claims had returned their Report thereon

Legislative Records of the Council, xx., 195. Mass. Archives, xix., 106.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 29.

Mass. Archives, xix., 103, 105. House Journal, pp. 209, 211.

before the Pet[r] had any Knowledge thereof, Praying that he may be allowed to give in his Claim, and upon Proof thereof have his Proportion of the Estate with the other Creditors.

[Read &]

*Ordered* that the Prayer of the Petition of Thomas Hancock Esq[r] be So far granted as that the Judge of Probate for the County of Suffolk be and hereby is authorized & impowered to Examine the Claim of the S[d] Thomas Hancock Esq[r] to the Estate of Henry Johnson Dec[d] and to allow the Same or Such part of it as the Said Judge Shall think Just & reasonable. and to order the payment of his the said Thomas Hancocks proportionable part out of the whole of S[d] Dec[ds] Estate, as proportioned to the other Creditors and that the admin[x] pay the Same, out of the Debts rec[d] by her Since the Last proportioning of s[d] Dec[ds] Estate. [*Passed March 28.*[1]

## CHAPTER 300.

ORDER FOR CALLING A TOWN MEETING AT BERKLEY.

Legislative Records of the Council, xx., 194. Mass. Archives, cxvi., 581.

House Journal, pp. 210, 213.

*Ordered* that Gershom Crane Esq[r] & M[r] George Caswell Two of the Select men of the Town of Berkley for the year 1753. be and they hereby are Directed & impowered to issue their Warrant Directed to M[r] John Crane of said Berkley to warn a Town meeting (as soon as may be) for the Choice of Town officers for the year Ensueing and the said John Crane is hereby authorized & impowered to warn the said meeting accordingly as also to notify the respective Town Officers that shall be Chosen at said meeting to appear & Take their oaths respectively before such Justice. as he shall be ordered & Directed by Warrant from the Selectmen or Town Clerk & the said Town officers which shall be Chosen at said meeting. & notified as afores[d] shall be as much obliged (to all intents & purposes) to serve in the respective offices to which they shall be Chosen as thô they had been Chosen in the month of March Current. [*Passed March 29.*

## CHAPTER 301.

VOTE IMPOWERING HENRY & ELIZABETH PRENTICE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 197. Mass. Archives, xix., 108.

Mass. Archives, xix., 107. House Journal, pp. 213, 214, 217.

A PETITION of Henry Prentice of Cambridge, & Elisabeth his Wife, late Widow of Samuel Healy of Boston dec[d] & Guardian to his Children; Praying for Liberty from this Court to sell a House & Land belonging to said Healys Estate in Boston, the Rent whereof by Reason of the decayed Condition of the House, will but a little more than pay the Charge of Repairs:

Read and

*Voted* that the pet[rs] be Impowered to dispose of the House and land Mentioned in the Petition and Make & Execute a Deed or Deeds thereof they giving Sufficient Caution to the Judge of Probate for the County of Suffolk that the monies Arising therefrom be put out on Interest and both principal & Interest duly Applyed According to the Will of the Deceass d. [*Passed April 1.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 29.

## CHAPTER 302.

VOTE AUTHORIZING THE DIVISION AND DISTRIBUTION OF AN ESTATE.

A Petition of Richard Hunt for his Wife Elisabeth Hunt, & as Guardian to her Sister Mary Tothill a Minor, Heirs of George Shore their Grandfather dec$^{d}$ shewing that the Real Estate of the said George Shore lies partly in the County of Suffolk & partly in the County of Worcester, and foras much as it will be very Inconvenient to have two seperate Settlements thereof, Praying that the Judge of Probate for the County of Suffolk may be impowered by this Court to settle the whole,

Legislative Records of the Council, xx., 197. Mass. Archives, xix., 96.

Mass. Archives, xix., 95. House Journal, pp. 214, 217.

Read &

*Voted* that the Judge of Probate for the County of Suffolk be & hereby is Authorized & Impowered to Order a Division and Distribution of the Whole of the Lands mentioned in the pet$^{n}$ as well those lying in the County of Worcester as those that lie in the County of Suffolk. [*Passed April 1.*

## CHAPTER 303.

ORDER GRANTING TO JAMES KITTERIDGE LICENCE TO KEEP AN INN.

A Petition of James Kitteridge[1] of Tewksbury, praying that this Court would impower the Court of General Sessions of the Peace for the County of Middlesex, to grant him a Licence to keep a Tavern in said Town:

Legislative Records of the Council, xx., 197. Mass. Archives, cxi., 299.

House Journal, p. 221.

Read &

*Ordered* that the prayer of the Petition be So far granted that the Justices of the Court of General sessions of the peace for the County of Middlesex be & hereby are Impowered if they think fit to grant a Licence to the pet$^{r}$ to keep a publick House of Entertainment In the Town of Tweksbury he obtaining the approbation of the Select men of S$^{d}$ Town the Time for Granting of Licences being Elapsed Notwithstanding. [*Passed April 2.*

## CHAPTER 304.

ORDER FOR SUNDRY TRANSFERS FROM THE APPROPRIATION FOR GRANTS.

*Ordered* that there be a Transfer made from the Appropriation of Grants of the Sum of Seven Hundred & eighty nine pounds 7/6 to the Appropriation of No Establishments

Legislative Records of the Council, xx., 202. Mass. Archives, cliI., 223.

Also that there be a Transfer made from the Appropriation of Grants of the Sum of Six Hundred and Twenty eight pounds 6/8 to the Appropriation for the pay of the Members of the General Court

House Journal, p. 221. Province Laws, iii., 696, chap. 10.

And Also that there be a Transfer made from the Appropriation of Grants of fifty pounds 7/11 to the Appropriation for Contingencies. [*Passed April 2.*

[1] The House Journal, p. 221, reads, "Jun."

## CHAPTER 305.

VOTE ALLOWING £20 TO THE RELATIVES OF THE STOCKBRIDGE INDIAN KILLED.

Legislative Records of the Council, xx., 202.

Mass. Archives, xxxii., 504. Legislative Records of the Council, xx., 194. House Journal, pp. 216, 217, 222, 224. *Ante*, p. 116, chap. 269.

*Voted* that the Sum of Twenty Pounds be granted and as soon as may be transported to Brigadier Dwight & M^r^ Timothy Woodbridge at Stockbridge, and they desired to distribute the same to the near Relatives of Waupaumcorse, the Indian that was killed there the last Year, and that the Endeavour to satisfy and quiet the Indians at Stockbridge respecting the Death of said Waupaumcorse and the Trial had thereon; the said Sum to be inclusive of the Sum of Six Pounds, granted the last Session for that Purpose. [*Passed April 2.*

## CHAPTER 306.

ORDER IMPOWERING STEPHEN DAVID, INDIAN, TO SELL LAND.

Legislative Records of the Council, xx., 202. Mass. Archives, xxxii., 503.

Mass. Archives, xxxii., 502. House Journal, pp. 217, 220. Province Laws, xiv., 718, chap. 221.

A PETITION of Stephen David of Tetticut Indian, Praying for Liberty from this Court to sell a Tract of Land in said Place belonging to him, consisting of about Forty one Acres for Payment of his Debts contracted by Sickness &c^a^

[Read &]

*Ordered* that the Prayer of the Petition of Stephen David Indian man be so far granted as that the Petitioner with the advice & Consent of the Guardians of the Titicut Indians be and hereby is Authorized & impowered to make sale of the peice of Land in said Petition mentioned for the most the same will fetch and to make & Execute a good and Sufficient Deed or deeds of the same, to the purchaser or purchasers their heirs & assigns. and the said Guardians are also hereby Directed to see that Justice be done the petitioner in the sale thereof. and also Take Care that the money arising by Said Sale be Duely applyed for the payment of the Petitioner's Just Debts. [*Passed April 2.*

## CHAPTER 307.

ORDER GRANTING TO NATH^L^ RICHARDSON LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xx., 203.

House Journal, p. 223.

A PETITION of Nathaniel Richardson of Boston, praying that the Court of General Sessions of the Peace for the County of Suffolk now sitting in Boston may be impowered by this Court to grant him a Licence to retail strong Drink in his House in the said Town, where he now dwells.

Read &

*Ordered* that the Prayer of the Petition be so far granted that the Court of General Sessions of the Peace, for the County of Suffolk at their present Session, be & hereby are impowered & enabled if they see fit, to grant the Petitioner Licence to be a Retailer of Strong Liquors in the House where he now dwells, he first obtaining the Approbation of the Select Men of the Town of Boston for that Purpose, The Time for granting Licences being elapsed notwithstanding. [*Passed April 3.*

## CHAPTER 308.

ORDER GRANTING A GUN TO MARY LAKEMAN, ADM^x.

A Petition of Mary Lakeman Administ^x of the Estate of her Son Sylvanus Lakeman jun^r dec^d Praying that she may be allowed for a Gun of his which was lost whilst he was a Soldier in the Service of this Province.

Legislative Records of the Council, xx., 203. Mass. Archives, lxxiv., 92.

Read &

*Ordered* that the petitioner be allowed to take out of the Commissary Generals Store a Gun or Guns Amounting to the Value of one pound twelve Shillings in full Consideration for the Loss of the Gun Mentioned in the petition. [*Passed April 3.*

House Journal, pp. 213, 223.

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## CHAPTER 309.

ORDER GRANTING TO DAN^L HEWS LICENCE TO KEEP AN INN.

A Petition of Daniel Hews of Wrentham, setting forth the need Travellers have of an Inn about the Place where he dwells, Praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered to grant him a Licence.

Legislative Records of the Council, xx., 203. Mass. Archives, cxi., 302.

Read &

*Ordered* that the prayer of the petition be So far granted that the Justices of the Court of General sessions of the peace for the County of Suffolk at their Present Session be & hereby are Impowered (if they think fit) to Licence the Pet^r to keep a House of Publick Entertainment In Wrentham he Obtaining the Approbation of the Select men of S^d Town for that purpose the time for Granting of Licences being Elapsed Notwithstanding. [*Passed April 3.*

Mass. Archives, cxi., 300. House Journal, p. 224.

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## CHAPTER 310.

RESOLVE FOR SEND^G COMMISS^RS TO ALBANY.

Legislative Records of the Council, xx., 203. Mass. Archives, xxxii., 505.

*Resolved* that Commissioners be Sent on the part of this Government to the Proposed Interview with the Indians of the six Nations at Albany in June Next. [*Passed April 3.*

Legislative Records of the Council, xx., 198. House Journal, p. 223.

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## CHAPTER 311.

RESOLVE GRANTING £300 FOR A PRESENT TO THE SIX NATIONS AND TO DEFRAY EXPENSES OF COMMISSIONERS TO ALBANY.

Legislative Records of the Council, xx., 203. Mass. Archives, xxxii., 506.

*Resolved* that the sum of Three Hundred pounds be granted & paid out of the publick Treasury in Order to purchase a Suitable present to be given the Indians of the Six Nations & to defray the Charges of the Gent^n that may be sent as Commissioners to the proposed Interview at Albany In June Next. [*Passed April 3.*

House Journal, p. 223. *Supra*, chap. 310.

## CHAPTER 312.

ORDER GRANTING TO JOHN STERNS AND DAVID DAY LICENCES TO KEEP INNS.

Legislative Records of the Council, xx., 203. Mass. Archives, cxi., 303.

A PETITION of John Sterns & David Day both of Attleborô, Praying that the Court of General Sessions of the Peace for the County of Bristol may be impowered to grant them Licences to keep Taverns in the said Town.

Legislative Records of the Council, xx., 204. House Journal, p. 223.

Read &

*Ordered* that the prayer of the petition be so far granted that the Court of General sessions of the peace for the County of Bristol at their Next Term be & hereby are Impowered if they think fit to Licence the petitioners each of them to keep a House of Publick Entertainment in the Town of Attleborô they Obtaining an approbation of the selectmen of S$^{d}$ Town for that purpose the time for granting Licences being Elapsed Notwithstanding. [*Passed April 3.*[1]

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## CHAPTER 313.

RESOLVE IN REGARD TO THE POWERS OF THE COLLECTORS OF THE TOWN OF STOW.

Legislative Records of the Council, xx., 204. Mass. Archives, cxvi., 579.

A PETITION of the Town of Stow, shewing that the Inhabitants of the said Town in December last at a regular Town Meeting appointed John Whitman & Abraham Whitney, Collectors of a Tax assessed on the Inhabitants for building a Meeting House, & Lists with Warrants thereon were committed to them; but for as much as it is probable that Difficulties may arise from their not being chosen in the Month of March, Praying that this Court would confirm the said Collectors in said Office.

House Journal, pp. 217, 225. Province Laws, i., 156, chap. 20.

[Read &]

*Resolved* that the prayer of this Petition be so far granted, as that y$^{e}$ s$^{d}$ John Whitman and Abraham Whitney the Collectors therein mentioned and each of them, be and hereby are fully impowered and authorised to compleat, and make a full Collection of the severall Sum and Sums in each of s$^{d}$ Lists and Assessments, in this Petition mentioned & Committed to them by the Assessors as therein sett forth agreable to their respective Warrants from y$^{e}$ s$^{d}$ Assessors and that they pay the Same to the Treasurer of the s$^{d}$ Town of Stow according to the Directions in the same Warrant; and in y$^{e}$ Collecting and gathering in the same, they observe the Directions of the Province Law, as other Collectors are obliged to do, for collecting any Assesm$^{ts}$ committed to them to collect, and that they be and are hereby invested with as full power & authority to levy & collect the same Assessm$^{ts}$ in each of s$^{d}$ Lists mentioned, as any other Collector or Collectors of any Town within this Province are invested withall, their not being chosen into s$^{d}$ Office in y$^{e}$ Month of March notwithstanding. [*Passed April 5.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 5.

## CHAPTER 314.

ORDER GRANTING TO PELET[H] MAN LICENCE TO KEEP AN INN.

A Pet[N] of Peletiah Man of Wrentham, Praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered to grant him a Licence to keep a Tavern in the said Town:

Legislative Records of the Council, xx., 202. Mass. Archives, cxi., 293.

Read &

*Ordered* that the prayer of the Petition be so far granted that the Court of General sessions of the peace for the County of Suffolk be & hereby Are Authorized & Impowered if they See fit at their present session to grant Licence to the Petitioner to keep a House of Publick Entertainment in Wrentham he first Obtaining the approbation of the selectmen of Said Town the Time for Granting of Licences being Elapsed Notwithstanding. [*Passed April 5.*

Mass. Archives, cxi., 292. Legislative Records of the Council, xx., 204. House Journal, pp. 220, 221.

## CHAPTER 315.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR MIDDLESEX COUNTY TO TAKE NEW SECURITY FOR FULFILLING THE WILL OF JOSEPH READ.

A Petition of Hannah Symonds Administ[x] of the Estate of her former Husband Nathaniel Read of Woburn dec[d] with others, shewing that the said Nathaniel being Executor & Residuary Legatee in the Will of his Father Joseph Read dec[d], was bound to pay Debts and Legacies with two Bonds Men, for whose Security he made a Deed of Sale for the Consideration of the Payment of Money to the said Bonds Men, out of the said Lands, & now the said Bonds Men refuse to deliver up their said Deed unless their Bonds be cancel'd; Therefore Praying that the Judge of Probate for the County of Middlesex may be impowered to take other Bonds at his Discretion, & cancel the Bonds above mentioned.

Legislative Records of the Council, xx., 205. Mass. Archives, xix., 102.

Read &

*Ordered* that the Prayer of the Petition be granted; And that the Judge of Probate for the County of Middlesex be impowered to take new Security for fulfilling the last Will & Testament of the deceased therein named; And (upon such Security given to his Acceptance) to deliver up or cancell the Bond formerly given by Nath[l] Reed deceas'd (the Executor in said Will named) for the faithful discharge of his said Trust. [*Passed April 5.*

Mass. Archives, xix., 101. House Journal, p. 226.

## CHAPTER 316.

ORDER GRANTING TO THO[S] BELL LICENCE TO KEEP AN INN.

A Petition of Thomas Bell of Roxbury, praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered at their present Session to grant the Petitioner a Licence to keep an Inn in the said Town,

Legislative Records of the Council, xx., 205. Mass. Archives, cxi., 306.

Mass. Archives, cxl., 305. House Journal, p. 224.

Read &
*Ordered* that the Prayer of the Petition be so far Granted that the Court of General Sessions of the Peace for the County of Suffolk at their Present Session be Impowered (if they think fit) to Grant a Licence to the petitioner to keep a House of Publick Entertainment in S^d^ Town he Obtaining the Approbation of the Select men of S^d^ Town for that purpose the time for granting of Licences being Elapsed Notwithstanding. [*Passed April 5.*

## CHAPTER 317.

ORDER CONFIRMING THE RATE LISTS OF THE ASSESSORS OF THE FIRST PARISH IN BOXFORD.

Legislative Records of the Council, xx., 205. Mass. Archives, cv., 475.

A PETITION of John Foster Agent for the first Parish in Boxford, setting forth some Mistakes in the Assessors Rate Lists and Warrants for collecting their Parish Taxes in the Year 1752, by which Means Difficulties are like to arise in collecting the same; Praying this Court to provide a Remedy therefor.

Mass. Archives, cv., 473. House Journal, pp. 214, 225.

Read &
*Ordered* that the prayer of the petition be So far granted that the warrants and rate Lists made by the assessors of the first Parish in Boxford for the Year 1752 And Committed to Nath^ll^ Burnham & Jacob Cummings Collectors of S^d^ Parish for that Year which are Defective by reason they are Improperly dated & were not Compleated till the time was Elapsed in which they Should have been Be & hereby are deemed Valid & Good to Answer the Intents and purposes of them as tho there had been no Defect therein And that the S^d^ Collectors be Injoined to Collect the money Yet Due on S^d^ Lists And pay the Same to the Treasurer of S^d^ Parish on or before the last day of may Next the afores^d^ Defects Notwithstanding. [*Passed April 5.*

## CHAPTER 318.

ORDER IMPOWERING STEPHEN DAVID, INDIAN, TO CONVEY LAND.

Legislative Records of the Council, xx., 206. Mass. Archives, xxxii., 491.

A PETITION of Stephen David of Tetticut Indian, shewing that in the Year 1741, by Leave from this Court he sold a Quantity of Land to Elkanah Leonard Esq^r^ that by a Mistake in drawing the Deed there was more Land than was intended, and for as much as the Petitioner has received a full Satisfaction for the same; Praying the said Sale may be confirmed:

House Journal, pp. 216, 227. Province Laws, xlii., 45, chap. 74; xiv., 718, chap. 221.

Read &
*Ordered* that the prayer of the petition be so far granted as that the Said Stephen (with the Consent of the Guardians of the Teticut Indians) be Impowered to make & Execute a Good & Sufficient Deed of Confirmation of the lands Contained in the bounds of the Land in the Deed Mentioned in the Petition to the S^d^ Elkanah Leonard Esq^r^ his heirs & assigns he paying for the Lands Mentioned in S^d^ Deed & Not Intended to have been Conveyed In the Same proportion as was paid for the other land Mentioned in S^d^ Deed. [*Passed April 5.*

## CHAPTER 319.

ORDER IMPOWERING HANNH ROBBINS, INDIAN, TO SELL LAND.

A Petition of Hannah Robbins of Tetticut, Indian, shewing that she has been put to great Expence by Means of the King's-evil & other Distempers which have followed her for many Years, and She has contracted considerable Debts thereby, therefore Praying for Liberty to sell the whole of her Lands in Middleborô, or so much thereof as will discharge her Debts,

Legislative Records of the Council, xx., 206. Mass. Archives, cv., 437.

[Read &]

*Ordered* that the prayer of the Petition of Hannah Robens be So far granted as that the Said Hannah be & hereby is authorized & impouerd, (with the Consent of the Guardians of)[1] the Titticut Indians to make sale of the peice of Land in Said Petition mentioned for the most the Same will fetch and to make & Execute a good and Sufficient Deed or deeds of the Same to the purchaser or Purchasers their heirs & assigns, and that the Said Guardians Take Care that the money arising by said Sale be Duely applyed for the payment of the Just Debts of the petitioner, and if there be any overplus the said Guardians to Take Care that it be Secured on Interest and Distributed to her as her necessity Call's for it. [*Passed April 5.*

Mass. Archives, cv., 435. House Journal, pp. 223, 226. Province Laws, xiv., 718, chap. 221.

## CHAPTER 320.

VOTE IMPOWERING THOS GREEN, EXECUTOR, TO ENTER A CLAIM AGAINST AN ESTATE.

A Petition of Thomas Greene sole Executor of the Testament of Caleb Lyman of Boston, shewing that by Reason of the Intricacy of the Accounts between the said Lyman and Thomas Baxter decd he was prevented from giving in his Claim in behalf of the said Lymans Estate to the Commissioners appointed to examine the Claims of the Creditors to the said Baxters Estate 'till they had made their Report, praying that he may be now admitted to give in his Claim, and upon proving the same he may be allowed his Proportion with the other Creditors of the said Thomas Baxters Estate by the Judge of Probate:

Legislative Records of the Council, xx., 210. Mass. Archives, xix., 123.

Read and

*Voted* That the Prayer of the Petition be so far granted as that the Petitioner in his said Capacity be and he hereby is impowered to exhibit his said Claim to the Judge of Probate &c for the County of Suffolk who is impowered to examine the same allow so much thereof as shall appear due and to direct the Surviving Executx of the said Thos Baxter in her Capacity to pay the same to the Petitioner in the next Dividend in such Proportion as the other Creditors already have or shall then receive. [*Passed April 5.*[2]

Mass. Archives, xix., 121. House Journal, p. 225.

[1] *Sic*, as to parenthesis, though in the State Library copy, Legislative Records of the Council, xx., 203, the parenthesis follows the words, "Titticut Indians."

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 10.

## CHAPTER 321.

ORDER DIRECTING THE COMMISSARY GENERAL TO MAKE PROVIS$^{O}$ FOR AN IND$^{N}$ BOY.

Legislative Records of the Council, xx., 207. Mass. Archives, xxxii., 507.

House Journal, p. 228.

*Ordered* that the Commissary General be directed to provide Suitable Cloathing Billeting & Schooling for the Indian Boy who lately Came from the Eastern parts of the Province to the Town of Boston. [*Passed April 6.*

## CHAPTER 322.

ORDER IMPOWERING BENJ$^{A}$ WOODBURY, GUARDIAN, TO SELL LANDS.

Legislative Records of the Council, xx., 207. Mass. Archives, xix., 94.

Mass. Archives, xix., 93. House Journal, p. 229. Province Laws, ii., 151, chap. 10.

A PETITION of Benjamin Woodberry of Worcester, Guardian of John White a Person Non Compos, Shewing that his little Personal Estate is wholly expended, & therefore Praying that the Petitioner may be impowered to sell a Peice of Land, belonging to the said White lying in the Town of Bedford in the County of Hampshire, for his further Support.

Read &

*Ordered* that the Prayer of the Petition be granted for the Purposes therein mentioned & that the Petitioner be & hereby is impowered to make Sale of the Lands within mentioned for the most the same will fetch, & to execute a good Deed or Deeds in the Law to the Purchaser or Purchasers thereof, he observing the Rules prescribed in the Law as to the Sale of Intestate Estates & giving Bond to the Judge of Probate for the County of Worcester to be accountable for the Mony arising by such Sale. [*Passed April 8.*

## CHAPTER 323.

ORDER IMPOWERING JN$^{O}$ PEIRSON TO BRING FORWARD A WRIT OF REVIEW.

Legislative Records of the Council, xx., 135. Mass. Archives, xliii., 692.

Legislative Records of the Council, xx., 207. House Journal, pp. 139$^{a}$, 215, 230.

A PETITION of John Peirson, shewing that Judgment went against him at the Superiour Court for the County of Essex in June last upon a Writ of Review (of a former Judgment) brought against him by Johnson Lunt, that the Verdict of the Jury was wholly founded on an Evidence of the said Lunts Brother, which was not allowed to be good by the Court; Therefore praying he may be allowed another Trial of the said Cause.

The Committee to whom was referred the Petition of John Pearson have heard the Parties on both sides well considered the Papers on the Several Tryals are of Opinion that the Prayer of the Petition be granted and that the Petitioner be admitted to a rehearing

All which is humbly Submitted

℔ Order JAMES MINOT

Read and

*Ordered* that this Report be Accepted and that the Petitioner be and he hereby is impowered to bring forward his Writt of Review of the Action within mentioned at the next Superiour Court of Judi-

cature to be holden at Ipswich within and for the County of Essex on the first Tuesday of June next and the Justices of the said Court are hereby authorized and impowered to hear and try the same Enter up Judgement and award Execution thereon accordingly. [*Passed April 8.*

## CHAPTER 324.

ORDER APPOINTING A COMMITTEE ON THE PETN OF JNO HELLENBECK AND OTHERS COMPLAINING OF PERSECUTION.

A Petition of John Hallenbeck & others, Inhabitants on the Western Borders of this Province, complaining of their Persecutions from Robert Livingstone Esqr & praying for Relief from this Government.

Legislative Records of the Council, xx., 209. Mass. Archives, vi., 163.

In Council; Read and

*Ordered* that Samuel Watts John Chandler Andrew Oliver and Thomas Hutchinson Esqrs with such as the Honble House shall join be a Committee to take this Petition under Consideration and to report what they judge Proper for this Court to do thereon as soon as may be

House Journal, p. 230. *Ante*, p. 104, chap. 242.

In the House of Represent Read & Concurred & Col Worthington Col Partridge Mr Lyman Col Otis Cap Williams & Mr Wells are Joined in the Affair. [*Passed April 8.*[1]

## CHAPTER 325.

VOTE SUBSTITUTING MR PHINNEAS HAYWOOD FOR JOHN CHANDLER, JUN. ESQR, ON THE COMMITTEE FOR PAQUOIG AFFAIR.

Legislative Records of the Council, xx., 208.

John Chandler Junr Esqr having represented the Inconvenience of his attending as one of the Committee upon the Affairs of Paquoig;

House Journal, p. 137 (April, 1753); p. 234. Province Laws, xiv., 715, chap. 217.

*Voted* that he be excused from that Service, and that Mr Phineas Haywood; be appointed in his Room. [*Passed April 9.*

## CHAPTER 326.

ORDER ALLOWING £26. 13. 4 TO THE TOWN OF HOLLISTON.

A Petition of the Select Men of Holliston, in behalf of said Town setting forth the deplorable Condition they are reduced to by Means of the late Mortal Sickness which carried off great Numbers of Persons, more especially of ye Heads of Families, whereby the Survivors are greatly impoverished, praying for Relief,

Legislative Records of the Council, xx., 208. Mass. Archives, lxxxvii., 321.

Read &

Mass. Archives, lxxxvii., 320. House Journal, pp. 230, 234.

*Ordered* that the prayer of the Petition be so far granted that the Sum of Twenty six pounds 13/4 be granted & paid out of the Province Treasury to the selectmen of Holliston (In Consideration of the Calamitous Circumstances Occasioned by the late Mortal

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 9.

Sickness that prevailed there) & by them to be Apply'd for the use & releaf of Such poor Indigent persons as may most Need the Same. [*Passed April 9.*

## CHAPTER 327.

VOTE ALLOWING £6 TO JA$^{S}$ PEIRCE AND £3 ANNUALLY.

Legislative Records of the Council, xx., 208. Mass. Archives, lxxiv., 171.

A PETITION of James Peirce, Praying some further Allowance from this Court on Account of his Disability, occasioned by long Sickness, while he was in the Service of this Province in the Expedition against Cape Breton:

Read &

Mass. Archives, lxxiv., 171. House Journal, pp. 226, 231. Province Laws, xiv., 228, chap. 247.

*Voted* that there be now advanced & paid out of the Publick Treasury to the pet$^{r}$ the Sum of Six pounds and that Annually hereafter he be Allowed & paid the Sum of Three pounds during the Court[s] Pleasure. [*Passed April 9.*

## CHAPTER 328.

VOTE IMPOWERING BENJ$^{A}$ PEIRCE, ADMINISTRATOR AND GUARDIAN, TO SELL REAL ESTATE.

Legislative Records of the Council, xx., 208.

A PETITION of Benjamin Peirce, Guardian to Nathan[1] Pengelly[1] a Minor, who was left by both his Parents (who are now deceased) with little other Estate than a small Peice of Land in Newbury, with a Frame of a House upon it, which is dayly decaying; therefore praying for Liberty from this Court to sell the same for the Minors Support.

Mass. Archives, xix., 90. House Journal, pp. 217, 233, 234$^{a}$. Province Laws, ii., 151, chap. 10.

Read &

*Voted* that the Petitioner in his Capacity as Administrator be and hereby is impowered to make Sale of the Premises mentioned in the Petition, and to make & execute a good Deed or Deeds of Conveyance of the same, He observing the Directions of the Law respecting the Sale of Intestate Estates; He giving Bond to the Judge of Probate for the County of Essex for the duly improving the Proceeds thereof for the Benefit of the Minor. [*Passed April 9.*

## CHAPTER 329.

ORDER FOR ISSUING A NEW TREASURY WARRANT TO JN$^{O}$ ASHLEY, ESQ$^{R}$.

Legislative Records of the Council, xx., 209. Mass. Archives, xxxii., 493.

A PETITION of John Ashley Esq$^{r}$ shewing that a Warrant to the Treasurer issued out of the Secretary's Office for paying him a Sum of Money allowed by this Court, is lost or mislaid, Praying that he may have a new Warrant.

Executive Records of the Council, xii., 278. House Journal, pp. 221, 230.

Read &

*Ordered* that A New Warrant be Issued to the Petitioner for the Sum of Eight pounds four shillings & four pence in full Discharge of the Accompt on Which the Warrant Mentioned in the pet$^{n}$ Issued which Warrant is Mislaid & is hereby is[2] Made Void. [*Passed April 9.*

[1] Mass. Archives, xix., 90, reads, "Nathaniel Pettingell."
[2] *Sic.*

## CHAPTER 330.

VOTE APPOINTING BRIGADE DWIGHT TO TAKE CARE OF PROVCE STORES AT STOCKBRIDGE.

Legislative Records of the Council, xx., 213. Mass. Archives, xxxii., 508.

Whereas there are Sundry Articles Provided by this Province for the late Mohawk School at Stockbridge

*Voted* that Brigadier Dwight be desired to Secure Sd Articles for the Benefit of the province Until this Court Shall further Order. [*Passed April 10.*

Legislative Records of the Council, xix., 214. House Journal, p. 233. *Ante*, p. 122, chap. 280.

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## CHAPTER 331.

ORDER ESTABLISHING THE BOUNDARY BETWEEN MENDON & UXBRIDGE.

A Petition of Committees of the Towns of Mendon & Uxbridge respectively, shewing that the said Towns have come to an Agreement between themselves for settling the Boundary Line which divides the said Towns, according to the Instrument herewith exhibitted; Praying that the same may be confirmed by the Act of this Court.

Legislative Records of the Council, xx., 213. Mass. Archives, cxvi., 623.

Mass. Archives, cxvi., 620. House Journal, pp. 122, 215, 216, 236.

Read and

*Ordered* that the Prayer of the foregoing Petition be granted and that the Boundary Line between the Towns of Mendon and Uxbridge as discribed in the aforewritten Agreement be and the same is hereby Established to all Intents and Purposes whatever. [*Passed April 10.*

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## CHAPTER 332.

ORDER IMPOWERING JNO WOODBRIDGE TO BRING FORWARD A WRIT OF REVIEW.

A Petition of John Woodbridge of York, shewing that his Writ of Review of a Cause depending between him and others & Benjamin Stone was abated at the Superiour Court in the County of York for a small Error in point of form; Therefore praying that this Court would allow another Trial.

Legislative Records of the Council, xx., 131. Mass. Archives, xliii., 821.

Read and

*Ordered* that the Prayer of the Petition be so far granted that the Petitioner hereby is impowered to bring forward his Writt of Review at the next Superiour Court of Judicature to be holden at York for the County of York on the second Tuesday of June next and the Justices of the said Court are hereby impowered to hear and Try the same enter up Judgement And award Execution thereon accordingly. [*Passed April 10.*

Legislative Records of the Council, xx., 214. House Journal, pp. 139, 231, 237.

## CHAPTER 333.

ORDER IMPOWERING SAM[L] MORSE, GUARDIAN, TO SELL LAND.

Legislative Records of the Council, xx., 214. Mass. Archives, xix., 88.

A PETITION of Samuel Morse Guardian of Sarah Waban a Minor of Natick Indian praying for Liberty to sell the Lands that were her Mothers now dec[d] lying in Natick to reimburse the Petitioner the Charge he has been at for the Support & Education of the said Minor from her early Infancy:

Read &

Mass. Archives, xix., 86. House Journal, p. 235. *Ante*, p. 110, chap. 256.

*Ordered* that the prayer of the petition be So far Granted as that the pet[r] in his S[d] Capacity as Guardian to the S[d] Sarah Wabon (with the advise of the Guardians of the Natick Indians) have Liberty to make Sale of So much of the Lands Mentioned in the petition As may be Necessary for the purposes within Mentioned & make & Execute A proper Deed or Deeds to the purchaser or purchaser[s] of S[d] Lands. [*Passed April 10.*

## CHAPTER 334.

ORDER IMPOWERING ELIZABETH RUMNEYMARSH, INDIAN, TO SELL LAND.

Legislative Records of the Council, xx., 214. Mass. Archives, xxxii., 475.

A PETITION of Elisabeth Rumney-marsh of Natick Indian Woman, Praying for Liberty from this Court to make Sale of twelve Acres of her Land in said Place, for paying the Debts which she has contracted by Sickness &c[a]

Read &

Mass. Archives, xxxii., 474. House Journal, p. 235. *Ante*, p. 110, chap. 256.

*Ordered* that the prayer of the Petition be So far Granted as that the petitioner have Liberty (with the Advice & Under the direction of the Guardians of the Natick Indians) to make Sale of Twelve Acres of her Land the S[d] Guardians to See to it that the proceeds of the Sale be apply'd for the purposes Mentioned in the petition. [*Passed April 10.*

## CHAPTER 335.

ORDER IMPOWERING MERCY FULLER, ADM[X], TO SELL AN ESTATE.

Legislative Records of the Council, xx., 214. Mass. Archives, xix., 120.

A PETITION of Mercy Fuller Administ[x] of the Estate of Josiah Fuller late of Concord in the County of Middlesex, setting forth that the said Estate is Insolvent, & if the Real Estate be not soon sold it will be to the Loss of the Creditors, praying that She may be impowered by this Court to sell the same:

Read and

House Journal, p. 237. Province Laws, ii., 151, chap. 10.

*Ordered* That the Prayer of the Petition be granted and the Pet[r] is hereby impowered, in her Capacity within mentioned to make Sale of the whole of the Estate within mentioned and to execute in due form of Law a Deed for the Conveyance thereof to such Person as shall give most for the same Provided the Petitioner observe the Direction of the Law respecting Executors and Admin-

istrators Sale of Lands and give sufficient Caution to the Judge of Probate for the County of Middlesex to accompt for the Produce of the Premisses and to dispose thereof pursuant to Law. [*Passed April 10.*

## CHAPTER 336.

ORDER IMPOWERING JN° EPHRAIM, INDIAN, TO SELL LAND.

A Petition of John Ephraim of Natick Indian, Praying for Liberty to sell twenty Acres of his Land there, to discharge his Debts contracted by his building a dwelling House & Barn, purchasing Stock &c[a]

Legislative Records of the Council, xx., 215. Mass. Archives, xxxii., 480.

Read &

*Ordered* that the prayer of the petition be so far Granted as that the Pet[r] have Liberty to make Sale of Twenty Acres of his Outlands with the Advice & Under the Directions of the Guardians of the Natick Indians & the proceeds thereof to be Applyed for the purposes Mentioned in the petition. [*Passed April 10.*

Mass. Archives, xxxii., 479. House Journal, p. 235. *Ante*, p. 110, chap. 256.

## CHAPTER 337.

ORDER ALLOWING £20 TO JOSEPH PAYNE.

A Petition of Ebenezer Payne, setting forth the Suffering of Joseph Payne in the Cause of this Government by the Prosecution against him in the Government of New York, and praying for Relief from this Court for him.

Legislative Records of the Council, xx., 215. Mass. Archives, vi., 157.

Read together with the papers Accompanying the Same &

*Ordered* that the Sum of Twenty pounds be granted & paid out of the publick Treasury Unto John Ashley Esq[r] of Sheffield & by him to be Employed for the Support of Joseph Paine Now in Albany Goal S[d] Ashley to be Accountable to this Court. [*Passed April 10.*

Legislative Records of the Council, xx., 84. House Journal, pp. 215, 235. *Ante*, p. 105, chap. 244.

## CHAPTER 338.

ORDER ACCEPTING THE REPORT OF A COMMITTEE ON SUNDRY PETITIONS OF THE TOWN OF BROOKFIELD AND APPOINTING A NEW COMMITTEE THEREON.

A Petition of Josiah Converse and a considerable Number of others, Inhabitants of the first Precinct in Brookfield, shewing that since the setting of the New Precinct the Inhabitants of the said Precinct have Voted to remove the Meeting House two Miles distant from their present Meeting House, which will exceedingly incommode the Petitioners, therefore Praying that they and their Estates and Families may be set off to the said New Precinct.

Legislative Records of the Council, xx., 139, 140 *bis*, 215.

House Journal, pp. 146 *ter*, 234, 237. Province Laws, iii., 819, note; xiv., 364, chap. 254.

A Petition of William Ayres in behalf of the second Parish in Brookfield, shewing that about three Months before they were set off they were assessed by the said Town their Proportion of a large

Sum of Money for the Settlement of a new Minister, and the Repairs of the Meeting House in the first Parish, Praying that they may be released from that Tax, or that a Number of their Neighbours (who are desirous of it) may be set off from the said first Parish, and be added to them,

A Petition of Jedediah Foster and others, of the first Parish in Brookfield, Praying that the said Parish may be divided into two Parts or Parishes, as near an equality as may be:

The Committee to whom was referred the Petitions of the first & second Precincts in Brookfield, & the Petition of Josiah Converse & others, having heard the Parties & Considered thereon are of Opinion that it is necessary a Committee should go to Brookfield & view the Situation & Circumstances of the Petitioners, & make Report to this Court at their next Session, what said Court ought to do thereon, and that all Proceedings relating to building a new Meeting House in said first Precinct be stayed in the mean time; all which is humbly submitted,

Per JOHN CUSHING per Order.

In Council; Read & Accepted, &

*Ordered* that Samuel Watts Esq$^{r}$ with such as the hon$^{ble}$ House shall join, be a Committee to repair to the Town of Brookfield, & view the Situation & Circumstances of the Petitioners, and report at their next Session, what they judge proper for this Court to do thereon: the Charge thereof to be born as this Court shall order: In the House of Representatives; Read & Concur'd, & Capt. Livermore & M$^{r}$ Phineas Haywood are joined in the Affair. [*Passed April 10.*

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## CHAPTER 339.

VOTE GRANTING £5,300 FOR ENLISTING SOLDIERS, &c$^{a}$.

Legislative Records of the Council, xx., 216. Mass. Archives, lxxiv., 177.

Legislative Records of the Council, xx., 212. House Journal, pp. 235, 236. Province Laws, iii., 746, note. *Ante*, p. 133, chap. 311.

In the House of Representatives

Whereas the fort at Richmond is in a very ruinous condition and past repair, and a more suitable place may be found further up Kennebeck River whereon to erect a new One, and inasmuch as it is the earnest desire of the Two houses, that his Excell$^{y}$ the Governour would take the trouble of a voyage to the Eastern parts of this Province to give direction concerning this fort as well as other important matters, and the two houses have also concluded to desire his Excell$^{y}$ to give orders for enlisting five hundred men including Officers to attend his comands Eastward, as also that Commissioners, with a Present to the six nations from this Province, shall attend the General Convention at Albany in June next. Therefore, For carrying on & Accomplishing these purposes & no other, the house now grant the sum of five thousand three hundred pounds, & for supplying the Treasury, direct the Province Treasurer to borrow the said sum of five thousand three hundred pounds on lawfull Interest for a term not exceeding One year, as soon as may be, and that as a Collateral security the Excise for 1753 be mortgaged; and it is also

*Voted* that his Excell$^{y}$ be desir'd to Issue a Proclamation as soon as he shall think proper, for enlisting the men as above proposed. for a Time not exceeding three Months upon the Bounty of Forty Shillings at Inlistment & the Wages of Twenty six shillings & Eight

pence ℔ Month which this House now Vote shall be given the private Centinels[1] & that the Wages of the Officers shall be in Proportion.

In Council Read & Concur'd. [*Passed April 11.*

## CHAPTER 340.

ORDER ALLOWING £10 TO JONᴬ GAGE.

A Petition of Jonathan Gage of Newbury, shewing that being in the Service of this Province as a Voluntier in the Year 1746. he was taken by the Enemy, laid in Irons & kept in Prison, seven Months, and endured many other Hardships, Praying for some Allowance from this Court:

Legislative Records of the Council, xx., 216. Mass. Archives, lxxiv., 173.

House Journal, pp. 226, 237.

Read &

*Ordered* that the prayer of the Petition be so far granted as that the petitioner be Allowed & paid out of the Publick Treasury the Sum of Ten pounds In full for his sufferings and services Mentioned in the Petition. [*Passed April 11.*

## CHAPTER 341.

ORDER OF NOTICE ON THE PETITION OF JOB AHAUTON, INDIAN, IN REGARD TO A DEED.

A Petition of Job Ahauton of Middleborô Indian, Complaining of Stephen David of Tetticut Indian, & others, for giving him strong Liquor so as to intoxicate him, and then drawing him in to execute a Deed for Conveying away his Lands in Teticut for a trifling Consideration, with other Abuses; and Praying that this Court would give Order for his Relief under these Difficulties.

Legislative Records of the Council, xx., 217. Mass. Archives, xxxii., 489.

House Journal, pp. 212, 236.

Read &

*Ordered* that the Petitioner serve the Adverse party stephen David with a Copy of this Petition that he Shew Cause (if Any he have) on the second Friday of the Next May session why the prayer thereof Should not be Granted. [*Passed April 11.*

## CHAPTER 342.

ORDER OF NOTICE, WITH STAY OF EXECUTION, ON THE PETITION OF JOSEPH OWEN FOR A RE-HEARING OF AN ACTION.

A Petition of Joseph Owen of Braintree, praying that he may be admitted to a new Trial of an Action of Tresspass brought against him by John Borland of Boston; Wherein Judgment went against the Petitioner at the Superiour Court held at Boston by Reason of the Petitioners Sickness, and his Inability to appear & defend the said Action, and that Execution may be staid.

Legislative Records of the Council, xx., 217. Mass. Archives, xliii., 849.

Mass. Archives, xliii., 848. House Journal, p. 238.

Read &

*Ordered* that the petr serve the Adverse party John Borland with a Copy of this Petition that he shew Cause (if any he have) on the second Thursday of the Next May session why the prayer thereof

[1] MS. bound in.

should not be Granted And that Execution be Stay[d] in the meantime provided the pet[r] give Bond to the sheriff of the County of Suffolk with sufficient sureties to pay such sum as the Said Borland may finally recover Against him with Interest from this time. [*Passed April 11.*[1]

## CHAPTER 343.

VOTE APPOINTING COMMISS[RS] FOR THE CONVENTION AT ALBANY.

Legislative Records of the Council, xx., 218. Mass. Archives, xxxii., 509.

THE TWO HOUSES having Agreed, this Day to chuse Five Commissioners, (two to be Members of the Council, & three to be Members of the House of Represent[ves]) to meet in behalf of this Government at the General Interview appointed to be had with the Six Nations at Albany; & the same Commissioners to treat with Commisson[rs] from the Governm[t] of New York referring to the Boundaries between the two Provinces

Legislative Records of the Council, xx., 204, 217. House Journal, pp. 239, 240, 241. *Ante*, p. 133, chap. 310.

The following Gentlemen were chosen by the Major Vote of the Council & House of Represent[ves] to be Commissioners for those Affairs; Viz,

Samuel Welles
John Chandler
Thomas Hutchinson } Esq[rs]
Oliver Patridge
John Worthington

[*Passed April 12.*

## CHAPTER 344.

ORDER APPOINTING A COMMITTEE TO SELL AN ISLAND TO GIDEON LYMAN.

Legislative Records of the Council, xx., 209. Mass. Archives, xlvi., 346.

A PETITION of Gideon Lyman, Praying for Liberty to purchase a small Island containing Six or seven Acres in Connecticut River belonging to the Province; lying between Fort Meadow in Hadley & Old Rainbow in Northampton.

House Journal, pp. 49, 144, 185, 235.

Read &

*Ordered* that the prayer of the petition be so far Granted as that John Worthington & Oliver Partridge Esq[r] be a Com[tee] to make sale of the Island Mentioned in the petition for the most it will fetch (they to be Accountable to this Court for their proceedings therein) As soon as may be. [*Passed April 12.*[2]

## CHAPTER 345.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE FOR BURN[G] BILLS GOVERNM[T] SECURITIES AND LOTTERY TICKETS AND DISCHARGING THE LATE TREASURER ACCORDINGLY.

Legislative Records of the Council, xx.,

WHEREAS a Com[tee] Appointed the 15 of June last to take an account of the Torn & Defaced Bills of Credit & Government

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 12.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 9.

securities then in the Hands of the Treasurer & Consume them to Ashes Reported on the 12 day of Septᵉʳ Last as follows viz That on the 16 day of July last they received of the then Treasurer Wᵐ Foye Esqʳ The Sum of Two Thousand Twenty one pounds ten shillings & one penny half penny Bills of the Old Tenor Three Hundred & nine pounds Two shillings and seven pence three farthings Middle Tenor Bills and Six Thousand Two Hundred eighty seven pounds thirteen shillings & one half penny last Emission Bills & have Seen them burnt & Consumed to ashes

219. Mass. Archives, ciii., 227.

House Journal, pp. 86, 126. *Ante*, p. 21, chap. 33; p. 41, chap. 88.

And on the third day of September Currant they received of Sᵈ William Foye Esqʳ late Treasurer Eighteen pounds seven shillings & four pence Old Tenor Bills and Consume[d] [1] them to Ashes

And on the 4ᵗʰ day of Sᵈ Septʳ they Recᵈ of the Sᵈ Wᵐ Foye Esqʳ Late Treasurer sundry Lotery Tickets the principal & Interest amounting to Three Thousand & four Hundred & ninety nine pounds sixteen shillings and also One Hundred & fifteen Pounds In Goverments securities payable on the 10ᵗʰ of June 1753 with Interest thereon Amounting to Sixteen pounds four shillings & nine pence The whole Amounts to the Sum of One Hundred & thirty one pounds four shillings & Nine pence Also Three Hundred & Eighty pounds in a Note which he gave for money borrowed of his Honour the Lieutᵗ Governour for the Deficiency of the Lottery with Interest [which] [1] Amounts to Twenty Six pounds eight shillings & four pence which makes four Hundred & six pounds eight shillings & four pence Also One Thousand three Hundred & Thirty five pounds six shillings & four pence In Government securities payable the 31ˢᵗ of Decʳ 1751 with the Interest Thereon One Hundred & forty eight pounds thirteen shillings & Eight pence the whole Amounting to One thousand four Hundred & Eighty four pounds Also three Hundred & forty five pounds ten shillings & nine pence in Notes signed by Andrew Oliver & Thoˢ Hubbard [2] Esqʳ & Mʳ Harrison Gray A Comᵗᵉᵉ of the General Court with Interest thereon Fifteen pounds Ten shillings & one penny making Three Hundred sixty One pounds & Ten pence The Whole of the securities Above mentioned with the Interest thereon Amount to Two Thousand Three Hundred & Eighty Two pounds thirteen shillings & Eleven pence All which we have received and Consumed to Ashes

Signed John Osborne ℔ Order

Which Report on the Sᵈ 12 of Septʳ was Read in the House of Representatives & accepted &

*Voted* that the late Treasurer William Foye Esqʳ be discharged of the Above sums Accordingly

It Appearing to the House that the foregoing Report with the Vote of the House thereon was not the Last sessions sent to the Honourable board for their Concurrence but Casually Omitted Therefore

*Ordered* that the speaker now send Up the Same.

In Council Read & Concur'd. [*Passed April 12.*[3]

[1] Inserted from Legislative Records of the Council, xx., 220.

[2] Legislative Records of the Council, xx., 220, reads, "Thomas Hutchinson."

[3] This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 13.

## CHAPTER 346.

ORDER CONFIRMING A BOUNDARY LINE BETWEEN ROCHESTER AND DARTMOUTH.

Legislative Records of the Council, xx., 109. Mass. Archives, cxvi., 523.

A PETITION of Elisha Freeman, Agent for the Town of Rochester, setting forth the Inconveniences arising from the Controversies about the Boundary Line, between the said Town, and the Town of Dartmouth, Praying that the same may be fixed in Manner, particularly described in the Petition.

Legislative Records of the Council, xx., 210, 219. House Journal, pp. 110, 223, 234[a], 239, 240.

Read and Accepted and

*Ordered* that the Line run between Rochester & Dartmouth in 1701 be and hereby is Confirmed & that the Island Nakatan be accounted as part of Dartmouth. [*Passed April 12.*[1]

## CHAPTER 347.

ORDER IMPOWERING HOPESTILL BENT, ADM[R], TO SELL AN ESTATE.

Legislative Records of the Council, xx., 215. Mass. Archives, xxxii., 443.

A PETITION of Hopestill Bent Administrator of the Estate of Nathan[l] Coochuck late of Natick, Indian Planter, dec[d] shewing that his whole Estate Real & Personal is not more than sufficient to pay his Debts; Praying that the Petitioner may be impowered by this Court to sell the said Real Estate.

House Journal, pp. 237, 238, 243. *Ante*, p. 110, chap. 256.

Read and

*Ordered* that the Prayer of the Petition be granted and that the Petitioner in his Capacity abovementioned (with the Advice and Consent of the Guardians of the Natick Indians) be and he hereby is impowered to make Sale of the Real Estate mentioned in the Petition to such Person as shall give most for the same and to give a good and sufficient Deed in Law for the same he giving Bond to the Judge of Probate for the County of Middlesex to dispose of the neat Proceeds (after the just Debts are paid) for the greatest Benefit of the Heirs of the said Nath[ll] Coochuck. [*Passed April 13.*[2]

## CHAPTER 348.

ORDER IMPOWERING SARAH STANNIFORD, EXE[x], TO BRING FORWARD A WRIT OF REVIEW.

Legislative Records of the Council, xx., 218. Mass. Archives, xix., 125.

A PETITION of Sarah Stanniford of Boston Widdow, Executrix of the Testament of John Stanniford dec[d] shewing that Whereas this Court pleased to give her Liberty to bring her Writ of Review (to the Inferiour Court of Common Pleas last held in the County of Essex,) of an Action prosecuted by John Calef of Ipswich, she lost the Benefit of the Order by her Attorney not producing a Copy of her Petition as well as the Order thereupon, Praying that the said Order may be revived & She have the Benefit designed thereby.

Mass. Archives, xix., 124. House Journal, p. 242. *Ante*, p. 81, chap. 185.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 13.

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 10.

Read and

*Ordered* that the Prayer of the Petition be so far granted as that the Pet[r] Sarah Stanniford in her Capacity of Executrix to the Estate of John Stanniford Dec[d] be and hereby is enabled to bring her Writt of Review on the Judgement within mentioned at the next Inferiour Court of Common Pleas to be holden for and within the County of Essex she to Attend the Directions provided by Law in Case of bringing forward a Writt of Review: and the Justices of the said Court are hereby impowered to order an issuable Plea upon the Original Writt and to hear and Determine upon the Action of Review in like manner to all Intents and Purposes whatsoever as if the Nonsuit referr'd to in the Petition had not been made. [*Passed April 13.*

## CHAPTER 349.

ORDER COMMITTING PET[N] OF EBENEZER GILBERT & OTHERS, OF BROOKFIELD, TO BE ANNEXED TO WARE RIVER PARISH.

A Petition of Ebenezer Gilbert, Henry Gilbert, Oliver Gilbert, and Samuel Dunsmore all of Brookfield, setting forth their Difficulties respecting their remote Situation from the Place of publick Worship in the said Town, and praying to be set off & annexed to Ware River Parish:

Legislative Records of the Council, xx., 219. Mass. Archives, xiii., 561.

Read &

*Ordered* that this Petition be Committed Unto the Committee of both Houses Upon the Affair of Brookfield Appointed this Session to take a View &c to Consider & report thereon. [*Passed April 13.*[1]

Mass. Archives, xiii., 562–564. Legislative Records of the Council, xx., 213. House Journal, p. 242.

## CHAPTER 350.

ORDER WITH STAY OF EXECUTION ON THE PETITION OF JOSHUA BRAND, INDIAN, APPEALING FROM A JUDGEMENT.

A Petition of Joshua Brand of Natick, Indian, shewing that at the Inferiour Court of Common Pleas for the County of Plymouth in an Action, commenced against him by Isaac Little Esq[r] Judgment was given against him by Default by Reason of his being hindered of attending the Court in Season, Praying to be allowed an Appeal, & that Execution may be staid.

Legislative Records of the Council, xx., 174, 219.

Read together with the Answer of Isaac Little Esq[r] &

*Ordered* that the Prayer of the Petition be granted; and the Petitioner is allowed to appeal from the Judgment within mentioned to the Superiour Court of Judicature, to be holden at Plymouth within & for the County of Plymouth on the third Tuesday of July next, and the said Court are impowered to hear & try the same, enter up Judgment & award Execution thereon: Provided sufficient Caution be given to the Respondent to pay what Sum shall be recovered of the Petitioner upon the said Trial, with lawful Interest for the same from this Day untill final Judgment shall be made up, and Execu-

House Journal, pp. 129, 187, 188, 243. *Ante*, p. 110, chap. 256.

[1] The date of final concurrence in the Council is given in Mass. Archives as April 11; evidently a mistake, as the same order states that its reading in the House occurred on April 13. The House Journal and Legislative Records of the Council both give the date as April 13.

tion within mentioned is stayed in the mean time; and that the Guardians of the Natick Indians be advising & assisting to the Petitioner in his Proceeding. [*Passed April 13.*

## CHAPTER 351.

ORDER DIRECTING TOWN OFFICERS TO TAKE THE OATH IN REGARD TO RECEIVING AND PASSING THE BILLS OF CREDIT OF THE NEIGHBOURING GOVERNMTS.

Legislative Records of the Council, xx., 221. Mass. Archives, xlvii., 389.

House Journal, p. 245. Province Laws, iii., 122, chap. 18; 307, chap. 13; 436, chap. 15; 714, chap. 23.

WHEREAS Sundry Disputes have arisen whether the Town Officers Chosen in the Month of March Last and [who] did not Take the Oath relating to the receiving or passing of the Bills of the other Governments untill this present month of april should Take the Oath, prescribed by the former Law. relating to the receiving or passing Said Bills or the oath prescribed by the Last Law. relating thereto and many inconveniences being likely to arise therefrom Therefore

*Ordered* that the Several persons Chosen to any Town office in any of the Towns within this Province in the month of March Last and [who] shall take the oath prescribed by the Last Law. relating to the receiving or passing the Said other Governments Bills, Shall be had [1] & Deemed Qualified to Serve in said offices as thô they had taken the oath prescribed by the Said former Law. and likewise those persons who were Chosen to any Town office in the month of March Last and have in this Present month of april Taken the oath prescribed by the said Last Law, shall be Deemed & held Qualified to Serve in the Said Town Offices as thô they had Taken the oath prescribed by the Said former Law. [*Passed April 15.*

## CHAPTER 352.

ORDER ALLOWING £124 TO SARAH HAZZEN, ADMX.

Legislative Records of the Council, xx., 213, 221.

Mass. Archives, xlx., 91. House Journal, pp. 219, 222, 226, 230 *bis*, 234, 233, 239. *Ante*, p. 17, chap. 21.

A PETITION of Sarah Hazzen Relict Widow of Richard Hazzen Esqr decd representing that this Court at their Session in May last, granted to her said Husband, in Consideration of Services by him performed, the Loan of £468 for five Years free of Interest, which he could not receive in his Life-time for want of Money in the Treasury, praying for a Sum equivalent to the said Interest to be paid her out of the Treasury for the Benefit of his Estate.

Read &

*Ordered* that the Prayer of the Petn be granted, and that the Sum of One hundred & twenty four Pounds be granted to the Petitioner as she is Administratrix on the Estate of her late Husband Richard Hazzen Esqr Decd she to be accountable to the Judge of Probate for the County of Essex for the same, which is in lieu of the Loan of Four hundred and Sixty eight Pounds granted, in June 1753, to her said Husband for the Term of Five Years free of Interest. [*Passed April 16.*

[1] Legislative Records of the Council, p. 221, reads, "held."

## CHAPTER 353.

ORDER ON REP$^{T}$ OF COMMITTEE FOR SELL$^{G}$ PROVINCE LAND NEAR SUNDERLAND.

Legislative Records of the Council, xx., 221.

Mass. Archives, cxvi., 144. House Journal, p. 247. Province Laws, xiv., 550, chap. 30. *Ante*, p. 116, chap. 270.

The Committee appointed to make Sale of a Tract of Land containing 5,850 Acres, lying in the County of Hampshire, having notified the same according to Order, put it up at publick Auction at Two hundred & fifty Pounds Lawful Money, further requiring the settling of Ten Families upon it within the Space of Three Years; and the same was struck off to M$^{r}$ Joseph Lee who was the highest Bidder at Three hundred Pounds; who thereupon paid Thirty Dollars required as Earnest, and is ready to give Bond for the Payment of the Remainder so soon as the Deed can be Compleated; but inasmuch as M$^{r}$ Fields Plan which was delivered to the Committee for their Direction, & by them exhibited to the Bidders at the Sale contains 6,930 Acres, of which 1,080 had formerly been granted by this Court, but not marked off in this Plan, M$^{r}$ Lee is desirous of having the same particularly delineated on the Plan, that so his Purchase may be ascertained, & he may know where to make the Settlements required; upon which the Committee pray the Directions of this Court:

Andrew Oliver per Order.

Read &

*Ordered* that the Committee give Orders for the taking off from the Plan the 1,080 Acres of Land contained herein, which has heretofore been granted by this Court, and that they execute a Deed of the remaining Five Thousand, eight hundred & eighty Acres,[1] taking sufficient Security for the Remainder of the Purchase Money. [*Passed April 16.*

## CHAPTER 354.

ORDER ALLOWING £8. 0. 2 TO BENJ$^{A}$ TUCKER, CORONER.

Legislative Records of the Council, xx., 222. Mass. Archives, xliii., 798.

Mass. Archives, xliii., 797. House Journal, pp. 143, 161, 234$^{a}$, 246. *Ante*, p. 110, chap. 256; p. 132, chap. 306.

A Petition of Benjamin Tucker a Coroner of the County of Plymouth, Praying that his Charge of an Inquest on the Body of one Betty David of Tetticut an Indian Woman supposed to have been murthered may be paid to him by the County, or otherwise as this Court shall order,

Read &

*Ordered* that the prayer of the petition be So far granted as that the Guardians of the Titticut Indians pay to the S$^{d}$ Benj$^{a}$ Tucker out of the Money Arising by the Sale of Stephen Davids Land which was Ordered to be Sold by this Court at their present session the Sum of Eight pounds & Twopence in full Discharge of his S$^{d}$ Tuckers Account for taking the Inquisition &c Mentioned in the Petition. [*Passed April 16.*

[1] The House Journal, p. 247, reads, "5,850 Acres." No plan of the land or any documents relating thereto has been found.

## CHAPTER 355.

ORDER ANNEXING DIVERS FAMILIES AND THEIR ESTATES TO THE TOWN OF MILTON.

Legislative Records of the Council, xx., 187. Mass. Archives, cv., 471.

Mass. Archives, cv., 469. Legislative Records of the Council, xx., 224. House Journal, pp. 209, 210, 241, 248, 249.

A PETITION of Nathaniel Houghton, Benjamin Crane & Ebenezer Fuller all of Milton, & Ebenezer Houghton of Braintree, setting forth the Inconveniences they are under by Reason of a considerable part of their Lands lying in the Town of Braintree, and the Difficulties the said Ebenezer Houghton is under by Reason of his remoteness from the Place of publick Worship in Braintree; Praying that the Estates of all the Petitioners and the Person & Family of the said Ebenezer may be set off to Milton.

The Comitte to whom was refered the Petition of Nathanael Haughton Benjamin Crane & others having fully heard the Petitioners, and one of the Respondants viz M^r^ John Adams ([1] one of the Selectmen of Braintree on the affair & Considered the Same are of oppinion that the respective prayers of the Several Petitioners are reasonable and ought to be Granted Accordingly

SILVANUS BOURN p^r^ order

Read and Accepted[2] and

*Ordered* that the Prayer of the Petition be granted and that the whole Estate of the Petitioners mentioned in the Petition together with the Family of the said Ebenezer Houghton be and hereby are to all Intents and Purposes annexed to and accounted as part of the Town of Milton. [*Passed April 17.*

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## CHAPTER 356.

ORDER CALLING A TOWN MEETING OF BERWICK NORTH PRECINCT.

Legislative Records of the Council, xx., 223. Mass. Archives, cv., 477.

Mass. Archives, cv., 476. House Journal, pp. 249, 250.

A PETITION of the Inhabitants of the North Precinct in Berwick, shewing that by Mistake their Meeting for the Election of Precinct Officers &c^a^ was not called 'till the Month of April New Stile, by which they have lost the Benefit of that Meeting, Praying that this Court would now impower them to meet for those Purposes, & confirm their lawful Proceedings thereon.

Read and

*Ordered* that the Prayer of the Pet^n^ be granted And John Hill Esq^r^ is hereby directed and impowered to Issue his War^t^ to some Inhabitant of said Parish requiring him to warn and give Notice to the Inhabitants of said Parish qualifyed by Law to vote in Parish Affairs to assemble themselves together at such Time and Place in said Parish as by said WARRANT shall be appointed to make Choice of such Officers for said Parish as shall be necessary and according to Law ought to be Chosen Yearly for Transacting the Affairs of said Parish and the said Inhabitants being so met are hereby impowered to make choice of such Officers, and such Officers so Chosen (having first taken the Oaths injoined by Law) shall have the Like Power in their respective Offices as by Law they would have had on their being Chosen according to the Directions of the Law in the Month of March and Qualified as aforesaid. [*Passed April 18.*[3]

[1] *Sic*, as to parenthesis.
[2] The words "and Accepted" are underlined in Mass. Archives.
[3] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 17.

## CHAPTER 357.

ORDER DIRECTING PERSONS RECEIVING BOUNTY MONEY TO GIVE BOND.

Legislative Records of the Council, xx., 225. Mass. Archives, lxxiv., 193.

House Journal, p. 250. *Ante*, p. 144, chap. 339.

*Ordered* that the Several persons that Shall receive the Monies Granted by this Court at this session in Order to Enlist the five Hundred Men Ordered to go Eastward Shall give Bond with Sureties to the province Treasurer for their duly Applying the Monies they Shall receive & Accounting therefor. [*Passed April 18.*

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## CHAPTER 358.

ORDER ALLOWING 1/6 PER MAN TO OFFICERS FOR ENLISTING SOLDIERS.

Legislative Records of the Council, xx., 225. Mass. Archives, lxxiv., 192.

House Journal, p. 250. *Supra*, chap. 357.

*Ordered* that there be Allowed to the Officers that may Inlist the Soldiers going Eastward the Sum of One Shilling & Six pence ℔ man for Each man they Shall Inlist. [*Passed April 18.*

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## CHAPTER 359.

ORDER IMPOWERING JAMES THOMAS AND STEPHEN DAVID, INDIANS, TO SELL LANDS.

Legislative Records of the Council, xx., 225. Mass. Archives, xxxii., 510.

Mass. Archives, xxxii., 494. House Journal, pp. 246, 249. *Ante*, p. 110, chap. 256.

A Petition of James Thomas of Tetticut, Indian, praying for Liberty to sell Lands there, belonging to him, for the Payment of Debts he has contracted by the Maintenance of his Aged Parents, and by Means of Sickness, in his Family; and also

A Petition of Stephen David of Titticut, Indian, Praying for Liberty to sell Land belonging to him in Tetticut for the Payment of his Debts, occasioned by his long Imprisonment, Sickness &c[a]

*Ordered* that the Prayer of the Petitions of Stephen David & James Thomas be So far granted as that the Said Stephen & James with the Consent of the Guardians of the Titticut Indians, be & hereby are allowed & impowered to Sell all their Lands in said Titticut in the Township of Middleborough Excepting such part thereof as the Said Guardians shall sett off To be kept and reserved for the use & improvement of the said Stephen David & James Thomas & their heirs & such other of the Descendants of the said Titticut Indians as shall have occasion to Dwell or reside there, which pieces of Land so sett off & reserved as afore[d] shall not be sold or alienated for Ever but be kept for the use afor[d] & that the money arising by the said Sale shall be applyed by the Said Guardians for the payment of the said Stephen Davids & James Thomas's Just Debts & the remainder (if any there be) to be Secured by the said Guardians on Interest & applyed for the releif & support of the said Stephen & James & the other Titicut Indians as the said Guardians shall order & Direct & also that the said Guardians see that Justice be done the petitioners in the Sale of Said Lands. [*Passed April 18.*

## CHAPTER 360.

ORDER REFERR$^{G}$ THE ACCO$^{TS}$ OF THE GUARD$^{NS}$ OF THE MARTHA'S VINEYARD INDIANS.

Legislative Records of the Council, xx., 226.

House Journal, p. 251. *Ante*, p. 110, chap. 256.

WHEREAS sundry Articles in the Account exhibited by the Guardians of the Martha's Vineyard Indians, appear very extraordinary, and no Vouchers to support any part of the Account,

*Ordered* that the said Guardians be directed to appear before the Court on the second Thursday of the next May Session; and that the further Consideration of said Account be referred to said Time. [*Passed April 18.*

## CHAPTER 361.

ORDER ACCEPTING REPORT OF COMMITTEE ON CAMB$^{GE}$ FIRST PARISH PET$^{N}$ AND SETTING OFF DIVERS LANDS AND THEIR INHABITANTS FROM WATERTOWN TO SAID 1$^{ST}$ PARISH IN CAMBRIDGE.

Legislative Records of the Council, xx., 105, 228. Mass. Archives, xiii., 472.

Mass. Archives, xiii., 471. Legislative Records of the Council, xx., 131, 144, 148. House Journal, pp. 104, 156, 159, 251.

A PETITION of the first Parish in the Town of Cambridge, setting forth the smallness of their Numbers and Estates, and the Difficulties they are under, to give a suitable Support to the Gospel Ministry, Praying some in the Towns of Charlestown & Watertown whose Lands ly contiguous to the said Parish may be added to it.

The Committee on the Petition of the first Parish in Cambridge, Praying that a Number of Inhabitants of the Town of Watertown with their Estates be annexed to them; having viewed their Situation, heard the Parties, and finding it most Convenient for the said Inhabitants to attend the publick Worship of God in the said Parish, as they usually have done for many Years past, and it being their Desire to be set off to the Town of Cambridge, as well as to the first Parish aforesaid: Report that all the Inhabitants & Lands within the following Bounds be annexed to the Town and first Parish aforesaid, to do Duty & receive Priviledge in the same. The dividing Line between the Towns of said Cambridge & Watertown to begin at Charles River & from thence to run in the Line between the Lands of Simon Coolidge, Moses Stone, Christopher Grant, and the Thatchers, and the Land of Col$^{o}$ Brinley & Ebenezer Wyth, to the fresh Pond so called. All which is humbly submitted

Per JOSEPH PYNCHON ℔ Order,

Read &

*Ordered* that the Report on the other Side be & hereby is Accepted, And the Lands & Inhabitants on them therein mentioned are accordingly set off from the Town of Watertown to the Town of Cambridge & the first Parish in said Town by the Line in the Report particularly described, to do Duty & receive Privilege there. [*Passed April 18.*[1]

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 19.

# CHAPTER 362.

ORDER ACCEPTING REPORT OF COMMITTEE ON MEDFORD PETITION AND SETTING OFF LANDS WITH THE INHABITANTS THEREON FROM CHARLESTOWN TO MEDFORD.

A Petition of the Inhabitants of the Town of Medford setting forth that there are several Tracts of Land belonging to the Town of Charlestown, (particularly described in the Petition) which are more commodiously situated for Medford than Charlestown, Praying in Consideration of the smallness of Medford that they may be set off to said Town.

Legislative Records of the Council, xx., 124, 228.

Mass. Archives, cxvi., 543. House Journal, pp. 125, 127, 156, 159, 251.

The Committee to whom was referred the Petition of the Town of Medford, Praying that certain Tracts of Land & the Inhabitants thereon belonging to the Town of Charlestown may be set off, & annexed to the Town of Medford, together with a proportionable part of certain Rights & Priviledges, arising from some of said Lands belonging to said Charlestown; having (the Major part of them) repaired to said Towns, viewed the Situation of the Inhabitants & Lands petitioned for; heard the Parties & considered the Affair report as follows, That the Pet$^{n}$ be so far granted as that the Inhabitants & Lands lying on the North & South Side of said Medford River as described in their Petition, be sett off & annexed to the Town of Medford, and to perform Duty & receive Priviledge, as part of said Medford, and that the Charge of maintaining the Road or High way from Charlestown towards Monotamy, so far as it runs thrô Charlestown and now is made the bound of Medford, be equally born by each Town, that half lying nearest to Charlestown to be maintained by Charlestown, the other by Medford, but yet as to the other part of said Petition, which respects the Rights & Interests arising from some of the said Lands belonging to Charlestown, the Committee are humbly of Opinion that it ought to be dismissed.

The Committee further beg Leave to report that the Town of Charlestown be free from all Cost & Charge in Maintaining any part of the Bridge standing over Medford River, and the Causey on the North side of said River, and to be freed from such Part of the Province Tax as belonged to said Inhabitants & Lands, hereby set over to the Town of Medford, and the Lands appropriated to a publick Use, situate on the North Side of Medford River to be free, as they heretofore have been from all Taxes.

Which is submitted: Joseph Pynchon per Order.

Read &

*Ordered* that the Lands within mentioned together with the Inhabitants thereon, be & hereby are sett off from the Town of Charlestown to the Town of Medford accordingly. [*Passed April 18.*[1]

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 19.

## CHAPTER 363.

ORDER REFERRING THE PET^N OF JACOB WENDELL, ESQ^R, IN REGARD TO THE NEW TOWNSHIP OF PONTOOSUCK.

Legislative Records of the Council, xx., 142. Mass. Archives, cxvi., 493.

A PETITION of Jacob Wendell Esq^r one of the principal Proprietors of a new Township in the County of Hampshire called Pontoosuck shewing that by a late Division of the Lands there, in Consequence of an Order of the Superiour Court, he is greatly injured, Praying that the said Division may be set aside, and he may have his just Right in the said Township.

Mass. Archives, cxvi., 491. Legislative Records of the Council, xx., 226. House Journal, pp. 150, 252.

Read together with the Answer of Oliver Partridge Esq^r and the Reply of Timothy Dwight Esq^r and others the Committee appointed by the Superiour Court for making the Partition within mentioned and

*Ordered* that the Consideration of this Petition be refer'd to the next May Session. [*Passed April 19.*

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## CHAPTER 364.

ORDER ACCEPTING REPORT OF COMMITTEE ON PROV^CE LANDS IN PLYM^O COUNTY, AND ALLOWING £5. 9. 8 EXPENSES THEREOF.

Legislative Records of the Council, xx., 227. Mass. Archives, xlvi., 350.

THE COMMITTEE [1] to inquire into the Circumstances of the Lands belonging to the Province in the County of Plymouth beg Leave to report that they attended that Service in part, and that they proceeded to Rochester & viewed the following Lands

Mass. Archives, xlvi., 349. House Journal, pp. 206, 252.

1. One hundred & twelve Acres mortgaged by William Gifferth dec^d to the Commissioners of the Fifty thousand Pounds Loan, now in the Possession of sundry Persons; Action was brought for the Recovery of the Possession about two Years since; but no Execution granted thereon, It is in general poor Land. 2. One hundred Acres mortgaged by Lieutenant Samuel Sprague dec^d to the Commissioners of the Hundred Thousand Pounds Loan, is a small Part inclosed, the other Wood Land, Considerable of it Swamp and is tolerable good Land; the Widow never quitted her Dower. 3. Ten Acres mortgaged by John White, partly enclosed, partly vacant, the whole of small Value, the Wood mostly cut off. The following Lands in Pembrook. 4. Eighty three Acres mortgaged by John Rogers of Pembroke; mortgaged to Essex Commissioners; the Interest partly paid; Is in general poor Land: supposed some Iron Oar here, The Committee further beg Leave to report that there are sundry other Lands in that County that pertain to the Province as they apprehend: And that there were divers other Lands which were mortgaged to the above Commissioners by sundry Persons that have since paid the Money, but have not been so careful as to get their Mortgages discharged.

All which is humbly submitted:

per GAMALIEL BRADFORD per Order.

Subjoined an Accompt of the Committees Time & Expence in the said Service, amounting to the Sum of Five Pounds nine Shillings and eight pence.

[1] Of the House. See House Journal, p. 206.

Read &
*Ordered* that the within report be Accepted And that the Sum of five pounds Nine shillings & Eight pence be Allowed & paid the S[d] Committee In full of the within Acc[t]. [*Passed April 19.*

## CHAPTER 365.

VOTE ACCEPTING REPORT OF COMMITTEE REFER[G] TO THE AFFAIRS OF THE SIX NATIONS AND THE BOUNDARY LINE BETWEEN NEW YORK AND MASSACHUSETTS.

The Committee appointed to prepare Instructions to the Commissioners who are to meet Commissioners from the other Governments at Albany in June next, at the Interview with the Six Nations, and also to settle the Boundary between this Government & that of New York, have attended that Service, and drawn up Heads of Instructions for the Purposes aforesaid and also such Votes as the Committee apprehend necessary to be passed by the Court, in order to his Excellency the Governour's granting Commissions for the Service aforesaid: All which are hereunto annexed & humbly submitted.

Per Benjamin Lynde per Order,

Read & Accepted.[1] [*Passed April 19.*

Legislative Records of the Council, xx., 229.

Legislative Records of the Council, xx., 220, 229. House Journal, p. 252. *Ante*, p. 146, chap. 343.

## CHAPTER 366.

VOTE REFER[G] TO COMMISS[RS] IN RELATION TO THE SIX NATIONS, & Y[E] OTHER COMMISS[RS].

*Voted* that Samuel Welles, John Chandler Tho[s] Hutchinson, Oliver Partridge & John Worthington Esq[rs] (any three of whom to be a Quoram) be and they hereby are fully authorized and impowered to represent & appear for this Province at the General Convention of the British Governm[ts] proposed to be held at Albany in June next, and in Concert with Commiss[rs] from all or any of the said Governm[ts] to enter into Articles of Agreement and Confederation, as well offensive as defensive for their general Safety & Interest, and for confirming & establishing the ancient & uninterrupted Attachm[t] of the Indians of the Six Nations to his Majesty our most Gracious Sovereign, and their long & constant Friendship with His Majestys Subjects on this Continent.[2] [*Passed April 19.*

Legislative Records of the Council, xx., 229. Mass. Archives, iv., 467.

Mass. Archives, iv., 466. *Ante*, p. 146, chap. 343. *Supra*, chap. 365.

## CHAPTER 367.

VOTE REFERR[G] TO THE COMMISS[RS] SETTLING THE BOUNDARY WITH NEW YORK.

*Voted* & *Ordered*, that Samuel Welles, John Chandler, Tho[s] Hutchinson, Oliver Partridge & John Worthington Esq[rs] Commiss[rs] appointed by this Court (they or any three of them) be authorized on

Legislative Records of the Council, xx., 230. Mass.

[1] There were some amendments to the papers submitted.
[2] Not found in the House Journal.

Archives, cclxxxiii., 63.

behalf of this Province to meet Commiss[rs] which are or may be appointed on the Part of the Province of New York, and with them to confer & agree upon the Partition[1] Line between his Maj[tys] Provinces of the Massachusetts Bay & New York, & to prepare a proper Account & State of the Line they[1] shall agree upon, to be laid before their respective Principals for their Consideration & Acceptance, in order humbly to present the same, after their accepting it, to be approved & ratified by his Majesty; or otherwise to agree on a Line to be immediately submitted to his Majesty for his Royal Approbation & Confirmation as the Commissioners mutually chosen shall judge best. The Gentlemen above named to be Commissionated by his Excellency the Governor for the Purpose aforesaid under the Seal of the Province.[1] [*Passed April 19.*

Mass. Archives, lv., 446. *Supra*, chap. 366.

## CHAPTER 368.

VOTE REFERR[G] TO THE COMMIS[RS] APPOINTED TO DISPOSE OF THE PROV[CE] LANDS.

Legislative Records of the Council, xx., 230. Mass. Archives, xlvi., 347.

*Voted*, That Samuel Welles John Chandler Tho[s] Hutchinson Oliver Patridge & John Worthington Esq[rs] be & they hereby are impowered & directed to proceed to the County of Hampshire & carefully to enquire, into the Possessions & improvements of the several persons, who without any grant or warrant from this Governm[t] have enter'd on any of the Province lands, situate further Westward, than the Townships of Sheffield & Stockbridge, althô part of said lands may ly more north than said Townships, and they are hereby fully authorised to quiet any & all such persons in their possessions or improvements, & on the part & behalf of this Court to Quitclaim & relinquish to them their heirs & assigns, the whole or any part of the lands on which they have entered, as also to grant, dispose or make sale of, any or all other of said Province lands lying further Westward than sheffield & stockbridge as aforesaid, not actually entered upon, improved or possest according to their best discretion, and as shall appear to them to be most for the service of this Province & the defence & strengthening of that frontier And upon such terms of Settlement, purchase or Quit rent as they shall Judge equitable & his excellency the Governour is desired to comissionate them for this purpose under the Province Seal, and they Shall be under oath to pursue the true intent & design of their comission & to render an acc[o] of their doings to this Court, Three of said Comissioners to be a Quorum.[2] [*Passed April 19.*

*Ante*, p. 106, chap. 246.

## CHAPTER 369.

VOTE ALLOWING £66. 13. 4 TO EUNICE HOOPER.

Legislative Records of the Council, xx., 235. Mass. Archives, lxv., 25.

A PETITION of Eunice Hooper Relict Widow of Samuel Hooper late of Marblehead Mariner dec[d] shewing that said Samuel was in the Year 1746 employed by this Government as Master of an Express Vessell (whereof he was half Owner) to carry Intelligence of the

[1] MS. mutilated.
[2] Not found in the House Journal.

French Fleet at Chebucto to Admiral Lestock; then expected at Cape Breton, that the said Samuel was then taken by the French in the said Vessel and afterwards retaken & carried to the West Indies, and in his Passage home lost at Sea, & never afterwards heard of, that the Petitioners Husband in his Life time, nor the Petitioner since his Death have had any allowance for the Loss of his Vessell, & his own & his Servants Wages; therefore Praying that this Court would make her Satisfaction for the same,

Read & thereupon

*Voted* that the Sum of Sixty Six pounds Thirteen shillings & four pence be paid out of the Province Treasury & put into the hands of the Rev$^{d}$ M$^{r}$ Simon Broadstreet[1] of Marblehead & by him to be Appl'y d as he in descretion Shall Judge best for the Use & benefit of the pet$^{r}$ And her Children. [*Passed April 19.*[2]

Mass. Archives, lxv., 23. House Journal, pp. 242, 254.

## CHAPTER 370.

ORDER SETTING OFF PETER TUFTS AND HIS ESTATE FROM CHARLESTOWN TO MEDFORD.

A Petition of Peter Tuft of Charlestown shewing that he has a small Peice of Land in said Town containing about Three Acres with a dwelling House, much more commodiously situated for the Town of Medford than Charlestown, Praying that said Estate may be set off to Medford.

Legislative Records of the Council, xx., 196. Mass. Archives, cxvi., 541, 542.

Read and Accepted and

*Ordered* That the said Peter Tufts with his Estate above mentioned be annexed to the Town of Medford Accordingly.

And That the Town of Medford be & hereby are Oblidged to Maintain & repair from time to time one half of the high way from S$^{d}$ Tufts House Unto Medford Line as Established this Session

And also that the S$^{d}$ Tufts pay to the Town of Charlstown all Taxes already assessed upon him by S$^{d}$ Town. [*Passed April 20.*[3]

Legislative Records of the Council, xx., 144, 148, 230. House Journal, pp. 219, 256. *Ante*, p. 155, chap. 362.

## CHAPTER 371.

ORDER FOR ISSU$^{G}$ EXECUT$^{N}$ AGAINST THE ESTATE OF THE LATE SHERIFF OF YORK.

Whereas in the Account of the late Treasurer William Foye Esq$^{r}$ exhibited by Samuel Watts Esq$^{r}$ and others a Committee of this Court he represented to be due on Executions, that were delivered M$^{r}$ Plaisted late Sheriff of the County of York, the Sum of Three hundred & thirty Pounds, since which his Executors have paid One hundred & fourteen Pounds, so that there remains due Two hundred & sixteen Pounds, therefore

Legislative Records of the Council, xx., 231.

House Journal, p. 256. Province Laws, xiv., 654, chap. 63.

*Voted* that the present Treasurer be directed to issue out new Executions for said Sum of Two hundred & Sixteen Pounds, that the same be paid into his Hands as soon as possible. [*Passed April 20.*

[1] The House Journal, p. 254, reads, "Mr. *Simon Bradstreet.*"

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 22.

[3] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 19.

## CHAPTER 372.

ORDER ALLOWING £1. 11. 4 TO JOS. METCALF.

Legislative Records of the Council, xx., 232. Mass. Archives, lxxiv., 170.

Mass. Archives, lxxiv., 168, 169. House Journal, pp. 231, 256.

A PETITION of Joseph Metcalf, shewing that he was impressed into His Majesty's Service on the Eastern Frontiers in the Year 1749, and was left out of the Muster Roll the Time between his Impressment & his getting to his Post, Praying that this Court would allow him to receive the remaining Wages out of the publick Treasury.

*Ordered* that there be allowed and paid out of the Province Treasury the Sum of One pound Eleven Shillings & four pence to Joseph Metcalf in full for his Wages mentioned in his Petition. [*Passed April 20.*

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## CHAPTER 373.

ORDER IMPOWERING THE GUARDIAN OF THE HEIRS OF JEREMIAH ALLEN AND THE ATTORNEY OF MR MADDOCKS TO CONVEY LAND TO THE TOWN OF BOSTON.

Legislative Records of the Council, xx., 232. Mass. Archives, cxvi., 577.

House Journal, pp. 241, 256, 257.

A PETITION of the Select Men of Boston, by Order of the Inhabitants of said Town, shewing that for the Safety of the said Town in Case of Fire they are desirous to widen the Street called Ann Street, which might be easily done were it not for That the Heirs of Jeremiah Allen dec$^{d}$ (Owners of one of the Old Buildings necessary to be taken down or removed) are Minors; and M$^{r}$ . . . Madocks (Owner of the other) lives out of the Province, therefore Praying that the Petitioners may be enabled by this Court to take down or remove so much of said Buildings as may be found necessary, in order to widen that part of said Street which is narrow, the Petitioners being willing that Justice should be done to the Owners by having such an Allowance made them by the said Town as will be equivalent to the Damage, or that they be otherwise releived as this Court shall judge best.

*Voted* &

*Ordered*, that the Guardian or Guardians of the heirs of M$^{r}$ Jeremiah Allen being minors, be impower'd to convey to the town of Boston, that part of the land requested, belonging to said heirs, at a price which Shall be agreed on, with the Selectmen of Boston, & also that M$^{r}$ William Parkman, attorney to M$^{r}$ [1] Maddocks, be likewise impowered to convey to the Town of Boston the land requested belonging to s$^{d}$ Maddocks on a price agreed on as for the other piece, both pieces of land always to ly for common use as highway, and the said conveyances, it is hereby declared, Shall be good & valid to all intents, purposes & constructions whatsoever. [*Passed April 20.*

[1] *Sic.*

## CHAPTER 374.

ORDER ALLOWING £20 TO NATHANIEL HASEY & JOHN BARKER.

A Petition of Nathaniel Hasey & John Barker; shewing that in the Year 1741, (they being then Deputy Sheriffs in the County of Suffolk) they were employed by this Government to search for Counterfieters of Rhode Island Bills of Credit, in which Affair they spent much time & Money, and never could obtain any thing from that Government, Praying for a proper Allowance from this Court.

Legislative Records of the Council, xx., 234. Mass. Archives, ciii., 217.

Mass. Archives, ciii., 215. House Journal, pp. 224, 256.

Read &

*Ordered* that the Pet[rs] be Allowed & paid out of the Publick Treasury the Sum of Twenty pounds In full of their Account of Charges & service Mentioned in the Petition. [*Passed April 20.*

## CHAPTER 375.

ORDER IMPOWERING ABIGAIL WILLIAMS, ADM[x], TO SELL AN ESTATE.

A Petition of Abigail Williams Widow & Administ[x] of the Estate of Thomas Williams jun[r] late of Charlestown in the County of Middlesex dec[d] shewing that the Personal Estate is not sufficient to pay the Debts; and Whereas the Pet[r's] Husband left several small Children, and his Real Estate consists in part of a Wharf & Peice of Land adjoining, which may be sold for more than the Amount of the Debts, yet in Consideration of the Charge the Petitioner will be put to for the support of the said Children, Praying for Licence from this Court to sell the above mentioned Wharf & Land adjoining thereunto for the Purposes aforesaid.

Legislative Records of the Council, xx., 234. Mass. Archives, xix., 89.

House Journal, pp. 255, 256.

Read, &

*Order'd* that the Prayer of this Petition be granted, & that the Petitioner in her said Capacity be & she is hereby authorized to make sale of the Premises (for the Purposes mentioned) for the most that may be; having previously given Publick Notice of such intended sale in time & manner as is directed in the Law touching the sale of Real Estates by Executors & Administrators: she to be accountable to the Judge of Probate for the County aforesaid, for her Proceedings in relation to the Disposal or application of the Proceeds of such sale. [*Passed April 20.*[1]

## CHAPTER 376.

ORDER DIRECTING THE INHAB[TS] OF CHARLESTOWN SET OFF TO MEDFORD, TO PAY FORMER TAXES.

Legislative Records of the Council, xx., 235. Mass. Archives, cxvi., 545.

*Order'd* that the Inhabitants of the Town of Charlestown sett off from s[d] Town & Annexed to the Town of Medford by an Order passed this Court the Present session, pay the Several sums already Assessed upon them whither Town, County, or Province Taxes in the Same Manner as tho s[d] Order had not Passed. [*Passed April 23.*

House Journal, p. 261. *Ante*, p. 155, chap. 362.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 22.

## CHAPTER 377.

ORDER DIRECTING THE INHABTS OF WATERTOWN SET OFF TO CAMBRIDGE TO PAY FORMER TAXES.

Legislative Records of the Council, xx., 236. Mass. Archives, xlii., 470.

House Journal, p. 261. *Ante*, p. 154, chap. 361.

*Order'd* That the Inhabitants of the town of Watertown Set off from said Town & Annex'd to the Town of Cambridge by an order pass'd this Court the present Session pay the several Sums already assess'd upon them whether Town County or province Taxes in the same manner as tho' said Order had not pass'd And that that proportion of the Province tax which the said inhabitants heretofore paid in the town of Watertown shall be taken off from said Town & added to the town of Cambridge in the next province tax. [*Passed April 23.*

## CHAPTER 378.

VOTE REFERRING ALL UNFINISHED MATTERS.

Legislative Records of the Council, xx., 236.

House Journal, p. 262.

*Voted* that all Matters that had Day at this Sitting and not passed upon, have the same Day at the next May Session. [*Passed April 23.*

## CHAPTER 379.

VOTE APPOINTING A COMTEE TO INQUIRE INTO THE LOANS.

Legislative Records of the Council, xx., 236. Mass. Archives, xlvi., 363.

House Journal, pp. 259, 260. Province Laws, i., 750, chap. 10; ii., 61 chap. 18; 189, chap. 14; 470, chap. 17.

In the House of Representatives,

*Voted* that Saml Welles Esqr Mr James Russel Henry Gibbs Esqr Salem Col Partridge Col Bradford Col Otis Col White Mr Bradley & Col Winslow with Such as shall be Joyned by the Honourable Board be a Comittee & any three of them to be a Quorum to enquire into the circumstances of the Loan of £50,000 Bills of Credit, Issued by this Court, Anno Dom 1714 & of another Loan of £100,000 Anno, 1716 as also of the Loan of £50,000 An. 1720. & likewise of the Loan of £60,000 Anno, 1727, & lay a full & exact state & acct of the lands forfeited & now belonging to the Province and of the Balances due where lands were not mortgaged as security & the Sd Comtee or a Quorum thereof be impowered to Send for persons & papers

In Council; Read & Concur'd And Benjamin Lynde, John Cushing, Ezekiel Chever John Wheelwright & Thomas Hutchinson Esqrs are joined in the Affair. [*Passed April 23.*

# RESOLVES, ORDERS, VOTES, ETC.

## Passed 1754–55.

# LEGISLATIVE LIST[1]

FOR

# 1754–55.

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His Excellency WILLIAM SHIRLEY,
Captain-General and Governor-in-chief, etc.

JOSIAH WILLARD, Esq.,
SECRETARY OF THE PROVINCE.

THOMAS CLARKE, Esq.,
DEPUTY SECRETARY.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

| | | | |
|---|---|---|---|
| John Osborne | | John Chandler | |
| Francis Foxcroft | | Ezekiel Chever | |
| Josiah Willard | | Andrew Oliver | |
| Jacob Wendell | | Joseph Pynchon | |
| Benjamin Lynde | Esqrs. | Thomas Hutchinson | Esqrs. |
| Daniel Russell | | Stephen Sewall | |
| Samuel Danforth | | Isaac Royal | |
| John Greenleaf | | Eleazer Porter | |
| Samuel Watts | | John Erving | |

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

| | | | |
|---|---|---|---|
| John Cushing | Esqrs. | Sylvanus Bourn | Esqrs. |
| George Leonard | | John Otis | |

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Mayne;*

Sir William Pepperel, Baronet, John Hill & Jabez Fox, Esqrs.

[1] See Legislative Records of the Council, xx., 237–240.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

JOHN WHEELWRIGHT, ESQ.

*For the Province, at large:—*

JAMES MINOT & BENJAMIN LINCOLN, ESQRS.

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## REPRESENTATIVES OR DEPUTIES.

*May 29, 1754 to April 28, 1755.*

MR. THOMAS HUBBARD, SPEAKER.

COUNTY OF SUFFOLK.

*Boston*, . . . Samuel Welles, Esq., James Allen, Esq., Thomas Hubbard, Esq., Mr. James Bowdoin.
*Roxbury*, . . Capt. Joseph Williams.
*Dorchester*, . . Robert Spur, Esq.
*Milton*, . . . Samuel Miller, Esq.
*Braintree*, . . Mr. Josiah Quincy, Mr. Samuel Niles, Jr.
*Weymouth*, . . Capt. Thomas Pratt.
*Hingham*, . . Mr. Jacob Cushing.
*Dedham*, . . Joseph Richards, Esq.
*Medfield*, . . Mr. Symon Plympton.
*Stoughton*, . . John Shepherd, Esq.
*Needham*, . . Mr. William Bowdoin.
*Medway*, . . Mr. Jonathan Adams.

COUNTY OF ESSEX.

*Salem*,[1] . . . Henry Gibbs, Esq., Daniel Epes, Jr., Esq.
*Ipswich*, . . John Choat, Esq.
*Newbury*, . . Mr. Benjamin Greenleaf, Joseph Gerrish, Jr., Esq.
*Lyn*, . . . Capt. Benjamin Newhall.
*Marblehead*, . John Tasker, Esq.
*Andover*, . . Major Joseph Fry.
*Beverly*, . . Robert Hale, Esq.
*Rowley*, . . . Mr. Humphrey Hobson.
*Salisbury*, . . Caleb Cushing, Esq.
*Haverhill*, . . Richard Saltonstall, Esq.
*Glocester*, . . Mr. William Stevens.
*Amesbury*, . . Mr. Isaac Merrill.
*Bradford*, . . Capt. Benjamin Milliken.
*Boxford*, . . Mr. Jonathan Foster.

COUNTY OF ESSEX — *Concluded.*

*Topsfield*, . . . Mr. Elijah Porter.
*Wenham*, . . . Capt. John Dodge.

COUNTY OF MIDDLESEX.

*Cambridge*, . . William Brattle, Esq., Mr. William Fletcher.
*Charlestown*, . . Mr. James Russell.
*Watertown*, . . Mr. John Hunt.
*Concord & Carlisle*, } Mr. Simon Hunt.
*Woburn*, . . . Mr. Edward Walker.
*Reading*, . . . Ebenezer Nichols, Esq.
*Newtown*, . . . Henry Gibbs, Esq.
*Sudbury*, . . . Capt. John Noyes.
*Marlborough*, . Mr. Samuel Witt.
*Groton*, . . . William Lawrence, Esq.
*Billerica*, . . . Capt. Enock Kidder.
*Framingham*, . Joseph Haven, Esq.
*Chelmsford*, . . Mr. Ephraim Spaulding.
*Malden*, . . . Mr. Benjamin Hills.
*Weston*, . . . Mr. Elisha Jones.
*Waltham*, . . . Samuel Livermore, Esq.
*Medford*, . . . Mr. Stephen Hall, Jr.
*Littleton*, . . . Nathaniel Russell, Esq.
*Westford*, . . . Thomas Reed, Esq.
*Lincoln*, . . . Chambers Russell, Esq.

COUNTY OF HAMPSHIRE.

*Springfield*, . . Josiah Dwight, Esq.
*Northampton & Southampton*, } Joseph Hawley, Esq.
*Hadley & South Hadley*, } Capt. Moses Marsh.
*Hatfield*, . . . Oliver Patridge, Esq.

[1] The House Journal, p. 4, reads, "*Salem & Danvers*, Henry Gibbs, Esq., Dan. Epes, Jun., Esq."

County of Hampshire — *Concluded.*

*Dearfield and Greenfield,* } Elijah Williams, Esq.
*Westfield,* . . . Mr. Israel Ashley.
*Montague & New Salem,* } Mr. Joseph Houlton.
*Brimfield,* . . . John Sherman, Esq.
*Sheffield,* . . . David Ingersol, Esq.

County of Worcester.

*Worcester,* . . John Chandler, Jr., Esq.
*Leicester & Spencer,* } Thomas Steel, Esq.
*Brookfield,* . . William Ayres, Esq.
*Rutland, & Rutland District,* } John Murray, Esq.
*Shrewsbury,* . . Mr. Phineas Haywood.
*Oxford,* . . . Duncan Campbel, Esq.
*Mendon,* . . . Capt. Nathan Tyler.
*Sutton,* . . . Mr. Daniel Greenwood.
*Bolton,* . . . . John Whetcomb, Esq.
*Sturbridge,* . . Moses Mercy, Esq.
*Hardwich,*[1] . . Timothy Ruggles, Esq.
*Lunenburgh,* . . Mr. John Haywood.
*Lancaster,* . . William Richardson, Esq.

County of Plymouth.

*Plymouth,* . . . Thomas Foster, Esq.
*Scituate,* . . . Thomas Clap, Esq.
*Duxbury,* . . . Gamaliel Bradford, Esq.
*Marshfield,* . . John Winslow, Esq.
*Bridgwater,* . . Capt. Josiah Edson.
*Pembrook,* . . . Mr. Israel Turner.
*Plympton,* . . . Mr. Isaac Benney.[2]
*Middleborô,* . . Capt. Nathaniel Smith.

County of Plymouth — *Concluded.*

*Hanover,* . . David Stockbridge, Esq.
*Abington,* . . Mr. Jacob Porter.
*Kingstone,* . . Mr. William Sever.
*Rochester,* . . Mr. Elisha Barrow.

County of Barnstable.

*Barnstable,* . . James Otis, Esq.
*Sandwich,* . . Roland Cotton, Esq.

County of Bristol.

*Taunton,* . . Mr. Israel Tisdale.
*Rehoboth,* . . Mr. Aaron Kingsley.
*Dartmouth,* . . Capt. Nathaniel Sole.
*Dighton,* . . Ezra Richmond, Esq.
*Attleborô,* . . Mr. Benjamin Day.
*Swanzey,* . . Mr. John Anthony.
*Freetown,* . . Mr. John Winslow.
*Easton,* . . . Capt. John Phillips.
*Norton,* . . . Ephraim Leonard, Esq.

County of York.

*York,* . . . . Mr. John Bradbury.
*Kittery,* . . . Nathaniel Sparhawk, Esq.
*Berwick,* . . . Capt. Ichabod Goodwin.
*Welles,* . . . John Storer, Esq.
*Falmouth,* . . Jedediah Prebble, Esq.
*Scarborough,* . Edward Milliken, Esq.
*North Yarmouth,* Jeremiah Powell, Esq.
*Biddeford,* . . Mr. Samuel Hill.
*Brunswick,* . . John Minot, Esq.

In the County of Nantucket.

*Sherburn,* . . Abishai Folger, Esq.

[1] The House Journal, p. 4, reads, "*Hardwick.*"
[2] The House Journal, p. 4, reads, "Mr. Isaac Bonny."

# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-NINTH DAY OF MAY, A.D. 1754.

## CHAPTER 1.

ORDER ALLOWING £20 TO THE TOWN OF NORTON.

A PETITION of the Select men of the Town of Norton, setting forth said Towns Reasons for not sending a Representative to the General Court the last Year, and praying for a Remittance of the Fine laid on said Town on that Account;

Legislative Records of the Council, xx., 242. Mass. Archives, lxxxvii., 323.

Read &

*Ordered* that the Sum of Twenty pounds the Sum the Town of Norton was fined the last Year be paid Out of the publick Treasury to the selectmen of S$^{d}$ Town. [*Passed May 31.*

Mass. Archives, lxxxvii., 322. House Journal, p. 9.

## CHAPTER 2.

ORDER GRANTING TO ISAAC DOGGET LICENCE TO KEEP AN INN.

A PETITION of Isaac Dogget of Medford, Praying, for Reasons particularly mentioned in the Petition, that the Court of General Sessions of the Peace for the County of Middlesex, may be impowered by this Court to grant him a Licence to keep a Tavern in the said Town, in their present Term.

Legislative Records of the Council, xx., 242. Mass. Archives, cxi., 309.

Read &

*Ordered* that the prayer of the petition be So far Granted that the Justices of the Court of General Sessions of the peace Now sitting in the County of Middlesex be Impowered (if they See fit) to Grant a Licence to the Pet$^{r}$ to keep a House of publick Entertainment in Medford he first Obtaining the Approbation of the Selectmen of S$^{d}$ Town the Time for Granting of Licences being Elapsed Notwithstanding. [*Passed May 31.*

Mass. Archives, cxi., 308. House Journal, p. 9.

## CHAPTER 3.

ORDER CALLING A MEETING OF THE FIRST PARISH IN WELLS.

A PETITION of the first Parish in the Town of Wells, setting forth that by Mistake they neglected to chuse their Parish Officers in the Month of March according to the New Style, as by Law

Legislative Records of the Council, xx., 243. Mass. Archives, cxvi., 638.

Mass. Archives, cxvi., 637. House Journal, pp. 11, 13. Province Laws, iii., 47, chap. 28; 326, chap. 22.

obliged, Praying that by the Authority of this Court they may be now enabled to chuse said Officers,

[Read &]

*Ordered* that the Prayer of the Petition be granted and, that the Parish Committee for S[d] Parish the Last Year be & hereby are Directed and Impowred to Issue their warrant to Some Inhabitant of Said Parish Requiring him to warn and give Notice to the Inhabitants of Said Parish Qualified by law to vote in Parish affairs to Assemble themselves together at Such time and place in Said Parish as by Said warrant Shall be appointed to make Choice of Such officers for Said Parish as Shall be Necessary and according to law ought to be Chosen yearly for the Transacting the Affairs of Said Parish and the Said Inhabitants So met are hereby Impowred to make Choice of Such Officers, and Such officers So Chosen having ([1] first Taken the oaths injoyned by law) Shall have the like Power in their Respective offices as by law they would have had on their being Chosen according to the Directions of the Law in the month of march and Qualified as aforesaid. [*Passed June 1.*

## CHAPTER 4.

ORDER GRANTING TO JAMES BOYD LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 244. Mass. Archives, cxi., 307.

House Journal, p. 11.

A PETITION of Joseph [2] Boyd of Woburn, praying (for Reasons particularly mentioned in the Petition) that this Court would impower the Court of General Sessions of the Peace for the County of Middlesex, to grant the Petitioner in their present Term a Licence to keep an Inn in said Town.

Read &

*Ordered* that the prayer of the petition be So far granted that the Justices of the Court of General Sessions of the peace for the County of Middlesex Now Sitting be Impowered (if they think fit) to grant a Licence to the Pet[r] to keep a House of publick Entertainment in the Town of Woburn he first Obtaining the Approbation of the Select men of S[d] Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed June 1.*

## CHAPTER 5.

ORDER IMPOWERING SAM[L] & DORCAS LYNDE TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 244. Mass. Archives, xix., 132.

Mass. Archives, xix., 131. House Journal, p. 13. Province Laws, ii., 151, chap. 10.

A PETITION of Samuel Lynde, [3] & Dorcas his Wife, formerly Wife of James Smith late of Leicester in the County of Worcester, (now dec[d]) shewing that the said James Smith left a small Farm, two thirds of which was divided among his Children, that the Petitioner Samuel has purchased above half of the Childrens Part, of them that are of Age, and therefore Praying that they may be allowed to sell the Minors part, which will be much for their Advantage.

Read and

[1] *Sic*, as to parenthesis.
[2] The House Journal, p. 11, reads, "*James.*"
[3] The House Journal, p. 13, reads, "*Smith.*"

*Ordered* That the Prayer of the Pet$^{n}$ be granted, and that the Petitioners, in their respective Capacities within mentioned, be and they hereby are allow'd and impowered to make Sale of the Estate within mentioned; and to execute, in due form of Law, a Deed for conveyance thereof to Such Person as shall give most for the Same; And That the Pet$^{r}$ Dorcas have the improvement of one third of what of the Produce of the Premises Shall remain, after just expences of all Sorts, allow'd by the Judge for Probate [of][1] Wills &$^{a}$ for the County of Worcester are deducted, for her Life; The Residue or two Thirds to the Children of the within named deced of age, or their assigns, and to the Guardian or Guardians of Such as are Minors, to be let out on Interest; Such Guardian or Guardians to pay what shall remain in his or their hands, (upon an adjustment of his or their Acco$^{t}$ pursuant to Law) unto the Said Minors, as they arrive of age, or shall be married, which Shall first happen Provided before Such Sale be made the Pet$^{rs}$ observe the Directions of the Province Law passed in the Sixth Year of his late Majesty King George the first relating to Exors or Admors Sale of Real Estates, and That the Said Dorcas give Sufficient Security to the said Judge that the Principal Sum allow'd her Shall, at her death, revert to the right Heirs of the Said dece'd; Also that the Guardian or Guardians of the Said Children give the like Security to the aforesd Judge for the faithful discharge of his or their Trust: And that Thomas Steel Esq$^{r}$ See Justice done the Minors in the Sale aforesaid. [*Passed June 1.*

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## CHAPTER 6.

ORDER IMPOWERING JOSEPH JOHNSON, ADMINISTRATOR & GUARDIAN, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Joseph Johnson Administrator of the Estate of Jeffs Johnson late of Boston dec$^{d}$ and Guardian to His only Son Thornton Johnson a Minor, praying that he may be enabled to sell the said Minors Part of the real Estate of his Grandfather John Johnson dec$^{d}$ (which ought to have been set off to the said Jeffs Johnson who survived his said Father) for Payment of the Debts on the Estate of the said Jeffs Johnson, beyond what his personal Estate will discharge,

Legislative Records of the Council, xx., 245. Mass. Archives, xix., 98.

Mass. Archives, xix., 97, 99. House Journal, p. 219 (April, 1754); pp. 10 *bis*, 11.

Read &

*Ordered* that this petition be revived & that the prayer thereof be granted & that the pet$^{r}$ in S$^{d}$ Capacity be Allowed & Impower'd to make Sale of the fourth part of a Small House in Boston & the Small peice of Land in Charlestown Mentioned in the Petition for the Most they will fetch And to Execute a Good Deed or Deeds of the Same to Enable the pet$^{r}$ to pay & Discharge the Debts of the S$^{d}$ Jeffs Johnson, (father of the S$^{d}$ Minor) to whom the premisses ought to have been Sett of in the Division of S$^{d}$ Estate The S$^{d}$ Pet$^{r}$ first giving Security to the Judge of Probate for the County of Suffolk to Apply the Same Accordingly and the Overplus (if any be) towards the bringing up & Educating the S$^{d}$ Minor. [*Passed June 1.*

[1] Inserted from Legislative Records of the Council, xx., 245.

## CHAPTER 7.

ORDER ALLOWING THE ACCOᵀ OF THE TRUSTEES OF HASSANIMISCO INDIANS.

Legislative Records of the Council, xx., 245. Mass. Archives, xxxii., 516.

AN ACCOMPT presented by John Chandler, John Jones, & Edward Baker Esqʳˢ Trustees for the Hassanimisco Indians, of their Receipts & Disbursments for the said Indians the last Year, Ballance in the Trustees hands being £4.2.1¾

Mass. Archives, xxxii., 515. House Journal, pp. 10, 11. Province Laws, xiii., 326, chap. 227.

Read & it Appearing the within Accᵗ is right Cast & well Vouched

*Ordered* that the Same be Allowed And that the Sᵈ Guardians be further Accountable for the Sum of four pounds 2/1¾ the Sum due to Sᵈ Indians for Interest besides the Principal Sum. [*Passed June 1.*

## CHAPTER 8.

ORDER ALLOWING THE ACCOᵀ OF THE TREASURER OF WORCESTER COUNTY.

Legislative Records of the Council, xx., 247. Mass. Archives, ccxlviii., 86.

AN ACCOMPT presented by Mʳ Daniel Haywood Treasurer of the County of Worcester for the last Year, having been by him laid before the Court of General Sessions of the Peace for said County, and by them allowed;

Mass. Archives, ccxlviii., 86. House Journal, pp. 9, 14.

Read &

*Ordered* that the within Accompt be Allowed and that the Treasurer of the County of Worcester be further Accountable for the following Sums viz. 21.19.4 New Tenor Bills of Credit due from the Town of Woodstock on the Taxes granted in the Years 1748 & 1749 & 9.13.5 for for[1] the Year 1750 6.13.5 for the Year 1752 70.18.2½ for the Year 1753 & 316.10.5½ for the Year 1754 as also 9.12.6 a Ballance paid by Danˡ Heywood the former Treasurer who is hereby Discharged. [*Passed June 4.*[2]

## CHAPTER 9.

ORDER IMPOWERING JOHN & JEMIMA CRAIG, ADMINISTRATORS, TO SELL REAL ESTATE.

Legislative Records of the Council, xx., 245. Mass. Archives, xix., 140.

A PETITION of John Craig & Jemimah his Wife late Widow & Administˣ of the Estate of Jonathan Fisk late of Groton decᵈ setting forth the Circumstances of the Estate, and that it will be much for the Benefit of the Children, who are Minors, that the whole real Estate should be sold, & Praying for Liberty from this Court to sell the same accordingly.

Mass. Archives, xix., 139. House Journal, pp. 12, 14. Province Laws, ii., 151, chap. 10.

Read &

*Ordered* that the prayer of the petition be granted And that the petitioners in the Capacity of Administrators on the Estate of Jonathan Fisk Late of Groton Deceased be & hereby are Impowered to make Sale of all the Sᵈ Deceased real Estate (having regard to the

[1] *Sic.*

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 1.

Law of this province respecting the Sale of Intestate Estates) And Execute In due form of Law A good & sufficient Deed or Deeds thereof to Such person or persons as Shall give Most for the Same they giving sufficient Caution to the Judge of Probate for the County of Middlesex to Accompt for the produce of the premises & dispose of the Same pursuant to Law. [*Passed June 4.*[1]

## CHAPTER 10.

VOTE IMPOWERING OFFICERS IN THE FORMER PRECINCT OF LINCOLN TO SETTLE THEIR ACCOMPTS.

Whereas the Town of Lincoln was great part of it a precinct before it was Incorporated into a Town And that the Officers of S^d^ Precinct had not Setled their Accompts with S^d^ precinct and that the S^d^ Precinct Expired when the S^d^ Town was incorporated So that they are not now able to Settle with S^d^ Officers Therefore

*Voted* that the late Committee & other late Officers of S^d^ Precinct be directed & Impowred to Settle the Affairs of S^d^ Precinct in the Same Manner they Might have done had not the S^d^ precinct been Erected into a Town. [*Passed June 4.*

Legislative Records of the Council, xx., 248. Mass. Archives, cxvi., 663.

House Journal, p. 18. Province Laws, iii., 728, chap. 35.

## CHAPTER 11.

VOTE FOR CALLING A TOWN MEETING OF THE INHAB^TS^ OF THE TOWN OF PETERSHAM.

*Voted* that John Murray Esq^r^ be and hereby Is Impowered to Issue a Warrant to Some Principal Inhabitant of the Town of Petersham In the County of Worcester Requiring him In his Majestys name to warn and Notifye the Said Inhabitants Qualifyed to vote In Town affairs that they meet Together at Such time and Place In Said Town as by Said Warrant shall be appointed to Chuse Such Officers as Towns Chuse In the month of march Annually and Said Officers Shall be Enjoyned to Take the oaths now Required by Law to be Taken by Town Officers as also to Transact Such other Matters & things relating to High Ways &c as may be Expressed in S^d^ Warrant. [*Passed June 4.*

Legislative Records of the Council, xx., 248. Mass. Archives, cxvi., 664.

House Journal, pp. 17, 18. Province Laws, iii., 731, chap. 38; 745, note.

## CHAPTER 12.

ORDER IMPOWERING THE COLLECTORS OF BERKLEY TO COLLECT TAXES.

A Petition of the Select Men of the Town of Berkley, shewing that in the Month of March 1752, Ebenezer French was chosen Constable of the said Town, and in March 1753, Benaiah Babbet was chosen Constable, and they both had the Rate Lists & Warrants of their respective Years committed to them, for gathering the Taxes, a great part of which they have already collected and paid in, but for as much as Disputes are arisen among the Inhabitants about their

Legislative Records of the Council, xx., 248. Mass. Archives, cxvi., 647.

House Journal, pp. 11, 17. Province Laws, ii., 181, chap. 6.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 1.

being legally sworn, praying that the said Constables may be confirmed in their Office, that so they may be enabled to gather in the Remainder of their Taxes.

Read &

*Ordered* that Eben[r] French & Benj[a] [1] Babbit the Constables within mentioned be & hereby are Impowered to Collect the Several Sums Committed to them to Collect for the Years 1752 & 1753. & Compleat the Same in as full & Ample a manner as if they had been Sworn in due form According to Law Provided the Said Eben[r] French & Benj[a] [1] Babbit do now take the Oaths by Law required by Law for Constables to take And Shall Also be Accountable to the Respective Treasurers for the Moneys Committed to them to Collect. [*Passed June 4.*

## CHAPTER 13.

ORDER IMPOWERING WILLIAM & SARAH UPTON, ADM[RS], TO EXECUTE A DEED.

Legislative Records of the Council, xx., 248. Mass. Archives, xix., 142.

Mass. Archives, xix., 141. House Journal, pp. 12, 17.

A PETITION of William Upton & Sarah his Wife, Administ[x] of the Estate of Benjamin Herrick late of Lyn dec[d] her former Husband, shewing that the said Benjamin in his Life time, became bound to his Brother Samuel Herrick to give him a Deed of two Acres of Cedar Swamp, but died before the Matter was effected, Praying that the Petitioners may be impowered by this Court to give the said Deed, and thereby discharge the said Bond.

Read &

*Ordered* that the prayer of the petition be granted And that the petitioners in their Capacity of Administrators to the Estate of Benj[a] Herrick Late of Lynn Dec[d] be & hereby are Impowered to make & Execute a good & sufficient Deed of the Two Acres of Cedar Swamp mentioned in the petition to Samuel Herrick his Heirs & assigns pursuant to the Covenant & agreement of S[d] Deceased & take up S[d] Covenant of Security Accordingly provided that they give Security to Account for the proceeds Coming thereby pursuant to Law. [*Passed June 4.*

## CHAPTER 14.

VOTE FOR AUGMENTING THE FORCES.

Legislative Records of the Council, xx., 250. Mass. Archives, cviii., 611.

Legislative Records of the Council, xx., 249. Province Laws, iii., 818, note. *Ante*, p. 144, chap. 339.

In the House of Represent[s]

The House having taken into Mature Deliberation his Excellencys Message of this Day to both Houses respecting An Augmentation of the forces Ordered to Attend his Excellency to the Eastern parts of this province & to build a Fort on Kenebeck River &c

*Voted* that his Excellency the Cap[n] General be desired forthwith to give Orders for the Enlistment of Three Hundred men Including Officers in Addition to the five Hundred men Already Enlisted that the Officers & Soldiers be Under the Same Restrictions & Limitations have the Same bounty Money pay & Subsistance & so Continue in the service for the same term of time.

In Council Read & Concur'd.[2] [*Passed June 5.*

[1] The House Journal, p. 17, reads, "*Benaijah Babbit.*"

[2] Not found in the House Journal.

## CHAPTER 15.

ORDER IMPOWERING ICHABOD AMMIDOWN AND MARY RAWSON, EXECUTORS, TO SELL AN ESTATE.

A Petition of Ichabod Ammidown & Mary Rawson Executors of the last Will and Testament of Samuel Morse, late of Mendon dec$^{d}$ setting forth the decayed & ruinous State of the dwelling House of the said Testator, and praying for Liberty from this Court to make Sale of the said House.

Legislative Records of the Council, xx., 250. Mass. Archives, xix., 144.

Read &

*Ordered* that the prayer of the Petition be granted And that the Pet$^{rs}$ in the Capacity within Mentioned be Impowered to make Sale of the House Mentioned in y$^{e}$ petition for the Most the Same will fetch & make Ample Conveyance thereof in the Law They giving sufficient Caution to the Judge of Probate for the County of Worcester to Apply the money Arising by S$^{d}$ Sale for the Use and benefit of the persons Interested in S$^{d}$ House According to the last Will of the S$^{d}$ Samuel Morse Deceased. [*Passed June 5.*

Mass. Archives, xix., 143. House Journal, pp. 18, 19 *bis.*

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## CHAPTER 16.

VOTE IMPOWERING HANNAH SCAMMON & ICHABOD GOODWIN, ADM$^{RS}$, TO EXECUTE A DEED.

A Petition of Hannah Scammon & Ichabod Goodwin Administ$^{rs}$ on the Estate of James Scammon late of Biddeford in the County of York dec$^{d}$ shewing that the said James in his Life time made an Agreement with one John Hill to make an Exchange of a certain Tract of Land lying in Biddeford for another Tract of Land lying in Scarborô; and the said Scammon took Possession of the Land, coming to him by the Exchange, but died without executing the Deed for the Exchange, Praying that the Petitioners may be impowered by this Court to execute the said Instrument;

Legislative Records of the Council, xx., 251. Mass. Archives, xlvi., 365.

Read &

*Voted* that the Petitioners in the Capacity of Administrators on the Estate of James Scammon Late of Biddeford Deceased be Authorized & Impowered to make & Execute a Good & Ample Deed of Sale Unto Joseph Hill of the Land & premisses Lying in Scarborough Mentioned in the petition. [*Passed June 6.*

Mass. Archives, xlvi., 364. House Journal, pp. 19, 22.

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## CHAPTER 17.

ORDER ACCEPTING REPORT OF COMMITTEE ON ADDITIONAL INSTRUCTIONS TO THE COMMISSIONERS AT ALBANY.

1. This Court having had Intelligence of a Design formed by the French, of erecting a Fortress on a rocky Eminence near Fort S$^{t}$ Frederick at Crown point, w$^{ch}$ wou'd be a further daring incroachment on His Majesty's Territories, and of very dangerous Conse-

Legislative Records of the Council, xx., 254. Mass. Archives, iv., 471.

Legislative Records of the Council, xx., 229. House Journal, p. 21. *Ante*, p. 157, chap. 367.

quence; It is therefore expected, that you urge it upon the Commiss^rs as a matter of y^e greatest Importance to all His Majesty's Colonies on the Continent, that the most effectual measures be speedily taken to prevent the Execution of that Design: And particularly You are to use your utmost Endeavours that a Strong Fortress be built & maintained at y^e common Expense of the confederate Governm^ts either on the Eminence above described, or in some other advantageous place near to Fort S^t Frederick.

2. As the Trade of late carried on w^th the French at Louisbourg & Canada have prov'd of pernicious Consequence to His Majesty's northern Colonies, The French (and thrô them the Indian Enemy likewise) being thereby supplied w^th Provisions of all kinds; You are therefore in Conjunction w^th y^e oth^r Commiss^rs to consider of some proper measures to be taken by the several Governm^ts, effectually to prevent such Trade for the future.

3. You are to use your best Endeavours with the other Commiss^rs, that the Indian Trade be regulated in such a manner, as may best secure the Advantages of it to His Majesty's Subjects

4. As the important Ends of y^e proposed Confederacy cannot be attained without a steady union of Counsels; You are to Endeavour that hereafter the several confederate Governm^ts by their Commiss^rs have stated Interviews (either Annually or otherwise as the present Commiss^rs shall judge to be necessary) and that y^e place or places as well as the Times for such Interviews be agreed on & ascertain'd.

BEN^A LYNDE ℔ ord^r

Read &

*Ordered* that the foregoing Instructions be given to Said Commissioners in addition to those already given them. [*Passed June 6.*[1]

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# CHAPTER 18.

## ORDER ADJOURNING THE INFERIOR COURT OF COMMON PLEAS OF SUFFOLK COUNTY.

Legislative Records of the Council, xx., 252. Mass. Archives, xliii., 866.

WHEREAS by Law the Inferior Court of Common Pleas for the County of Suffolk ought to be held on the first Tuesday of July next at which time it is probable that several of the Justices of said Court will be absent in the Service of the Province. It is therefore

House Journal, p. 23. Province Laws, iii., 64, chap. 32.

*Ordered* That the said Inferior Court of Common Pleas be and hereby is adjourned to the fourth Tuesday of July next and the said Court shall be then held accordingly And all Writts Pleas Warrants Recognizances Processes matters & Things whatsoever are to be heard adjudged & determined at that time as fully to all intents & purposes as if the said Court was held on the first Tuesday of July as usual, heretofore. [*Passed June 7.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 8.

## CHAPTER 19.

ORDER DIRECTING COMMISSRS TO ALBANY TO INQUIRE ABOUT LANDS PURCHASED OF INDIANS.

In the House of Represent

Whereas Information hath been given to this House that Certain persons belonging to the Towns of Stockbridge Sheffield Springfield and Westfield have in a Clandestine & Illegal manner purchased of one or more of the Stockbridge Indians About Nine thousand Acres of the Unappropriated Lands of the province paid a Considerable Sum of Money therefor Plan d Allotted & drawn the same

Therefor

*Ordered* That the Commissioners Appointed to appear at the Interview at Albany be directed to make Strict Inquiry into Said facts with full power to Send for persons & papers as they Shall Judge Necessary And make report to this Court

In Council Read & Concured. [*Passed June 7.*[1]

Legislative Records of the Council, xx., 254. Mass. Archives, xxxii., 535.

House Journal, pp. 23, 24. *Ante*, p. 146, chap. 343.

## CHAPTER 20.

ORDER ANNEXING THE 2ND PRECINCT OF PEMBROKE, MADE UP OUT OF SEVERAL TOWNS, TO THE TOWN OF PEMBROKE.

A Petition of Elijah Cushing Esqr Agent for the second Precinct in Pembroke, shewing that the said Precinct is made up out of four several Towns, besides Pembroke, which is a great Inconvenience; and for as much as the Inhabitants in General are more advantagiously situated for an Union with Pembroke than any other Towns, Praying that the whole Precinct may be united to the Town of Pembroke accordingly.

Read &

*Ordered* that the prayer of the petition be granted and that the petrs with their Estates Comprehended within the bounds of sd Precinct be to all Intents & purposes Annexed to & made part of the Town of Pembrook that to this time they pay their Respective proportions to all Taxes Already made & Granted & that the Several Towns to which Sd Petrs belonged be Abated in the province Tax in proportion to whet the petrs with their Estates paid in the last province Tax & that the Same be laid on the Town of Pembrook. [*Passed June 7.*[2]

Legislative Records of the Council, xx., 254. Mass. Archives, cxvi., 627.

Mass. Archives, cxvi., 626. House Journal, pp. 21, 22, 23. Province Laws, xiii., 626, chap. 98.

## CHAPTER 21.

VOTE DIRECTING THE COMMISSRS TO INQUIRE ABOUT INDIAN CLAIMS WESTWARD.

*Voted*

That the Gentlemen appointed by this Court Commissioners, To Treat with the Commissioners of the Government of New York respecting the boundary lines of these Governments, be directed

Legislative Records of the Council, xx., 253. Mass. Archives, xxxii., 536.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 8.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 8.

House Journal, p. 25. *Ante*, p. 157, chap. 367.

to enquire into any Indian Claim, or Claims, to any land that lye west of Connecticut River within this Province, & Endeavour to Quiet them as to said Claims, & to report to this Court, at their next session, what they think proper to be done respecting the Premisses. [*Passed June 8.*

## CHAPTER 22.

ORDER ALLOWING THE ACCO$^{T}$ OF THE TREASURER OF BARNSTABLE COUNTY.

Legislative Records of the Council, xx., 255. Mass. Archives, ccxlviii., 84.

House Journal, pp. 9, 25.

AN ACCOMPT presented by M$^{r}$ Jonathan Bacon, Treasurer of the County of Barnstable for the Year 1753, Having been by him laid before the Court of General Sessions of the Peace for the said County & by them allow'd.

Read Accepted and

*Ordered* that this Account be allowed & that the Ballance thereof being Five pounds sixteen Shillings & ten pence three farthings the said Treasurer be further Accountable to said County for. [*Passed June 10.*

## CHAPTER 23.

ORDER APPOINTING A COM$^{TEE}$ FOR BURNING BILLS OF CREDIT & GOVERNMENT SECURITIES.

Legislative Records of the Council, xx., 256.

House Journal, p. 27.

In the House of Representatives;

*Ordered* that M$^{r}$ Speaker, Capt Joseph Williams, Col$^{o}$ Brattle, M$^{r}$ James Russell, & M$^{r}$ Gibbs of Salem, together with such as the Hon$^{ble}$ Board shall join, be a Committee to take an Accompt of the Bills of Credit of the several Denominations, and the Government Securities now in the Hands of the Treasurer, and consume them to Ashes, and report thereon to the next Session of this Court: In Council; Read & Concur'd; and John Osborne, Samuel Watts, John Wheelwright, and Andrew Oliver Esq$^{rs}$ are joined in the Affair. [*Passed June 10.*

## CHAPTER 24.

ORDER ALLOWING THE ACCO$^{T}$ OF THE TREASURER OF ESSEX COUNTY.

Legislative Records of the Council, xx., 256.

House Journal, pp. 9, 25.

AN ACCOMPT presented by Daniel Appleton Esq$^{r}$ Treasurer of the County of Essex for the Year 1753, Having been by him presented to the Court of General Sessions of the Peace for the said County, and by them allowed,

Read & Accepted; and

*Ordered* that this Accompt be allowed, and that the Ballance thereof being Two hundred & eighteen Pounds, one shilling & five pence three farthings the said Treasurer be further accountable to said County for. [*Passed June 10.*

## CHAPTER 25.

RESOLVE DECLARING THE DIVISION OF LANDS IN TOWNSHIP OF PONTOOSUCK NULL AND VOID.

On the Petition of Jacob Wendell Esq[r] [*ante*, p. 156, chap. 363] Read with the Answers & other Papers in the Case; & it not appearing by the Papers upon File in the Superior Court that Charles Goodrich who petitioned for the division of the within mentioned Lands had any authority from the other proprietors so to do; but on the contrary by his own declaration upon Oath in the Case, that He was the only person who petitioned therefor: and it likewise appearing that four only of the five persons appointed by the Superiour Court for that purpose ever attended the Service

Legislative Records of the Council, xx., 256. Mass. Archives, cxvi., 494.

House Journal, p. 32.

*Ante*, p. 156, chap. 363.

*Resolved* that the division made of said Lands is of course null & void & the same is declared to be null & void accordingly. [*Passed June 11.*

## CHAPTER 26.

ORDER ALLOWING BENJ[A] DAVIS A BOUNTY ON INDIGO.

A Petition of Benjamin Davis of Oxford, shewing that he has at a considerable Expence gotten a perfect Understanding of the Method of making Indigo, and has made a small Quantity of the best kind of Indigo; and for as much as his engaging in this Manufacture will be attended with great Charge to himself, therefore praying that he may have the sole Benefit of making it within this Province for a Term of Years.

Legislative Records of the Council, xx., 107, 257. Mass. Archives, lix., 403.

House Journal, p. 103 (December, 1753); pp. 12, 29.

The Committee on the Petition of Benjamin Davis, Praying for an exclusive Priviledge of making Indigo, for a Certain Term of Years, humbly report it as their Opinion, That such a Priviledge (excluding all others) instead of serving the Province might really prejudice it; But in as much as the Petitioner has been first in the Projection, and has expended Time & Money in obtaining that Skill; and also that the Manufacture, (if brought to Perfection), would be of great Benefit, It is therefore proposed that the Petitioner be allowed a Bounty of Twelve pence on every Pound he shall manufacture for the Space of Five Years, next coming, to be paid from time to time out of the Province Treasury, on Oath by him made before two Justices of the Peace Quorum Unus, that the said Indigo was of the Growth of this Province and Manufactured by him; and that he had not received any Bounty for the Same, or any part thereof; a Certificate whereof to be produced under the Hands of the Justices, administring the same, and also that such Indigo upon any Assay of the goodness thereof, made by one or more skilful Persons, has been by him or them approved as good & well manufactured; Which is Submitted per Benj[A] Lynde per Order,

Read Accepted and

*Ordered*, That the Petitioner Benj[a] Davis be allowed a Bounty of twelve pence on every pound of Indigo he shall manufacture for the space of five years next coming to be paid from time to time out of the province Treasury on Oath by him made before two Justices of

the Peace Quorum Unus, That the said Indigo was of the Growth of this Province and manufactured by him, And that he had not received any Bounty for the same or any part thereof, a Certificate whereof to be produced under the Hands of the Justices Administring the same, And Also that such Indigo (upon an Assay of the goodness there of made by one or more skilfull persons to be appointed by Such Justices) has been by him or them approved as good and well manufactured. [*Passed June 11.*

## CHAPTER 27.

ORDER ALLOWING £6 AND A FURTHER SUM OF £3 ANNUALLY TO ROB$^{T}$ MILLER.

Legislative Records of the Council, xx., 257. Mass. Archives, lxxiv., 195.

A PETITION of Robert Miller of Phillips Town in the County of York, shewing that in the Seige of Louisbourgh he lost his Arm, by a Cannon Shot, and is thereby become a Cripple, and able to do but little for the Support of himself & Family; Praying for Relief from this Court.

Mass. Archives, lxxiv., 195. House Journal, pp. 28, 29.

Read and

*Ordered* That the Petitioner be allowed out of the Province Treasury Six Pounds to be paid to Coll$^{o}$ John Storer for his use; And That he be also allowed three pounds yearly, during the pleasure of this Court. [*Passed June 11.*

## CHAPTER 28.

ORDER IMPOWERING WILLIAM SHEAF, GUARDIAN, TO SELL LANDS AND MAKING PROVISIONS IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 258. Mass. Archives, xix., 150.

A PETITION of William Sheaf, Guardian to Margaret Child, a Minor, Daughter to Thomas Child late of Boston dec$^{d}$ shewing that the said Minor, and other the Heirs of the said Thomas Child, are Owners of a considerable Quantity of Lands in the Towns of Sutton & Rutland, which as they now ly, are of no Profit to said Minor, Therefore Praying that he may be impowered by this Court to join with the rest of the Heirs in the Sale of the said Land.

Mass. Archives, xix., 148, 149. House Journal, p. 31.

Read and

*Ordered* that this Petition be revived and that the Prayer thereof be granted and that the Petitioner in his said Capacity be and he is hereby authorized (in conjunction with the other Persons Interested) to make Sale of the Lands in the said Petition mentioned, and to give and execute a good and sufficient Deed or Deeds of Conveyance of the same he first giving due caution to the Judge of Probate for the County of Worcester that he shall account for the proceeds of such Sale either with the Judge of Probate for the Time being for said County or to the Parties Interested (for their respective Proportions of the same) when thereunto lawfully required: The Widdow of the said Deceased (in Case she shall join in the Sale of the Premisses) to have the use or Interest of one third part of the proceeds of such Sale during the Term of her natural Life. [*Passed June 11.*

## CHAPTER 29.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

An Accompt presented by Daniel Russell Esq$^{r}$ Treasurer of the County of Middlesex for the Year 1753, Having been by him laid before the Court of General Sessions of the Peace for said County and by them allowed,

Read and

*Ordered* That this Accompt be allowed (excepting one Article of Two Pounds paid Rich$^{d}$ Foster Esq$^{r}$ Sherriff of s$^{d}$ County, which he is to repay the said Treasurer) and there will then remain a Ballance of one hundred & Ninety Eight Pounds one Shilling and ten pence due to said County which Ballance the s$^{d}$ Treasurer is further Accountable to y$^{e}$ s$^{d}$ County for. [*Passed June 11.*

Legislative Records of the Council, xx., 258. Mass. Archives, ccxlviii., 88.

House Journal, pp. 9, 31.

## CHAPTER 30.

ORDER DESIRING THE CAP$^{T}$ GENERAL TO INCREASE THE GARRISON AT FORT MASSACHUSETTS.

A Memorial of Capt Elisha Chapin, Commander of Fort Massachusetts, setting out the exposed Situation of the said Fort in Case of a Rupture with the Indians, and the smalness of the Garrison at present, and praying for a Reinforcement thereof;

Read, and

*Ordered*[1] That the Cap$^{t}$ General be desired to make an Addition of five men to the Forces already posted at Fort Massachusetts. [*Passed June 12.*

Legislative Records of the Council, xx., 260. Mass. Archives, lxxiv., 199.

Mass. Archives, lxxiv., 199. Legislative Records of the Council, xx., 65, 152. House Journal, p. 32.

## CHAPTER 31.

ORDER ALLOWING THE ACCO$^{T}$ OF THE TREASURER OF SUFFOLK CO.

An Accompt presented by Joshua Winslow, Treasurer of the County of Suffolk, appointed for part of the last Year in the room of his Father Edward Winslow Esq$^{r}$ dec$^{d}$ having been by him laid before the Court of General Sessions of the Peace and by them allowed,

Read and

*Ordered* That this Accompt be allowed & That the Ballance thereof being three pounds seventeen shillings Due from the late Treasurer Joshua Winslow Esq$^{r}$ he be accountable to Richard Bill Esq$^{r}$ the pres$^{t}$ Treasurer, for, which Sum together with the further Sum of one hundred and thirty four pounds fifteen shillings & ten pence, the said Rich$^{d}$ Bill Esq$^{r}$ be accountable to the s$^{d}$ County for. [*Passed June 12.*

Legislative Records of the Council, xx., 260. Mass. Archives, ccxlviii., 87.

House Journal, pp. 9, 35. *Ante*, p. 95, chap. 225.

[1] The House Journal, p. 32, reads, "*Resolved.*"

## CHAPTER 32.

ORDER IMPOWERING ISRAEL MEAD, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 260. Mass. Archives, xix., 134.

Mass. Archives, xix., 133. House Journal, pp. 32, 34.

A PETITION of Israel Mead Guardian of the Children of John Mead, late of Coventry dec[d] praying to be impowered to sell Forty Acres out of 300 Acres of unimproved Land at Housatannuck, belonging to the said Children, they being unable to perform the Conditions of holding it in any other Way.

Read &

*Ordered* That the prayer of the petition be granted, and that the petitioner be, & is hereby impowered to make sale of forty Acres of said Land to such person or persons as shall appear to give most for the same, and to execute a good & sufficient deed thereof in the Law. provided the said petitioner shall give sufficient caution to the Judge of probates for the County of Hampshire for the Use of this Goverment that the produce of the sale of said Land shall be applyed to bring forward the settlement of said Right as is enjoyned by this Court. [*Passed June 12.*

## CHAPTER 33.

ORDER ALLOWING WILLIAM BOARDMAN FURTHER TIME TO COLLECT TAXES IN CHELSEA.

Legislative Records of the Council, xx., 260. Mass. Archives, xliv., 3.

Mass. Archives, xliv., 1. House Journal, pp. 29, 34. *Ante*, p. 23, chap. 39.

A PETITION of William Boardman late Constable in Chelsea, shewing that by Means of some unexpected Disappointments he has not been able to fulfill his Engagements to pay into the publick Treasury the Province Tax committed to him to collect, according to time, praying for some further Indulgence from this Court.

Read &

*Ordered* That the Prayer of the Pet[n] be so far granted as that upon the Pet[rs] in one month's time paying into the Province Treasury Sixty Pounds which he therein declares he will pay in a few days The Province Treasurer be and hereby is directed to delay for six months putting in suit the Bond given by the Pet[r] with sureties to s[d] Treasurer as a Security for the payment of the Sum therein mentioned. [*Passed June 12.*

## CHAPTER 34.

ORDER IMPOWERING MARY BAILEY, EXECUTRIX, TO SELL REAL ESTATE.

Legislative Records of the Council, xx., 261. Mass. Archives, xix., 129.

Mass. Archives, xix., 128, 130. House

A PETITION of Mary Bailey Daughter and Sole Executrix of the last Will & Testament of Margaret Pastee dec[d] shewing that by her said Will, she disposed of all her Personal Estate, and ordered that her Debts should be paid out of her real Estate, but gave no Power for selling it, Praying that this Court would give the Petitioner Power to sell the said Real Estate.

Read &

*Ordered* That the Prayer of the Petition be so far granted as that the said Mary in her Capacity of Executrix as therein mentioned be impowered to make sale of the house & Land in said Pet[n] mentioned for the most they will fetch & to give a sufficient Deed or Deeds of the same she observing the Rules and Directions in the Law for the Sale of Intestates Estates & giving sufficient caution to the Judge of Probate for the County of Suffolk, that the Produce thereof shall be applied for the payment of the just Debts & Funeral Charges of S[d] dec[d] & the Remainder thereof to be divided according to the Directions of her said Testatrix in her Will therein mentioned. [*Passed June 12.*[1]

Journal, pp. 30, 31, 34. Province Laws, ii., 151, chap. 10.

## CHAPTER 35.

RESOLVE CONSTRUING THE VOTE IN REGARD TO THE SALE OF LAND MADE TO M[R] JOSEPH LEE, AND DIRECTING THAT A WARRANTY DEED BE GIVEN, EXCEPT AS STATED AT THE SALE.

Inasmuch as a Tax of one half peney per acre for the Term of three Years was by this Court layed upon the Unimproved Lands in the Township of Sunderland in Dec[br] last, at which time there was a Tract of 5,850 acres of Unappropriated Lands Lying near Or adjoining to Millers River, which this Court afterward ordered to be Sold to the highest Bidder and the Same was accordingly Sold to m[r] Joseph Lee he being enjoined by the Conditions of Sale to Settle ten Families upon the Same with in the term of three years: And whereas the Committee are on account of Said Tax under Some Difficulty in Making a Deed in the Usual form for Said Land and warranting the Same free and Clear of all Incumberances as the Purchaser expects, therefore

Legislative Records of the Council, xx., 262. Mass. Archives, xlvi., 366.

House Journal, pp. 36, 37. *Ante*, p. 75, chap. 169; p. 151, chap. 353.

*Resolved* that it Never was the Intent of the Court to Subject any of the Unappropriated Lands of the province by Such Vote, And as the Conditions of Sale enjoined on the purchaser a Duty which will be of equal importance with the Tax to the Town or Distrect where Said land lyes

*Resolved* that the Committee appointed to Sell the Same be Directed to give a good and Sufficient Deed therefor in the Usual form and Warrant the Same free from all Other Incumberances excepting Such as were Expressly Stipulated at the time of Sale And the Assessors where the said land lies, are hereby Ordered to conform themselves Accordingly. [*Passed June 13.*

## CHAPTER 36.

VOTE FOR AN ADDITION TO THE GARRISON AT FORT MASSACHUSETTS.

Legislative Records of the Council, xx., 262. Mass. Archives, lxxiv., 201.

*Voted*, That the Cap[t] General be desired to order an addition of five men to the Forces already ordered at Fort Massachusetts. [*Passed June 13.*

Legislative Records of the Council, xx., 261. House Journal, p. 37. *Ante*, p. 181, chap. 30.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 13.

## CHAPTER 37.

ORDER FOR PURCHASING 2,500 FIRE ARMS.

Legislative Records of the Council, xx., 262. Mass. Archives, lxxiv., 200.

Legislative Records of the Council, xx., 254. House Journal, p. 36.

*Ordered*, That two thousand five hundred good Fire Arms be purchased as soon as may be, and that the same be distributed into the several Towns in this Province in proportion to their respective Province Taxes. [*Passed June 13.*

## CHAPTER 38.

VOTE ANNEXING PART OF NOTTINGHAM TO DUNSTABLE.

Mass. Archives, cxvi., 667.

House Journal, p. 40. Province Laws, ii., 660, chap. 10.

INASMUCH as Nottingham was part of Dunstable & in the Province of the Massachusetts Bay but by running of the line between this Goverment & new Hampshire there is but a very small part of nottingham now lying in this Province quite uncapable of being made a district, but very commodious to be laid to Dunstable

*Voted* that that part of Nottingham now lying in this Province be & hereby is laid to & accounted as part of the town of Dunstable there in every respect to do duty & receive priveledge. [*Passed June 14.*

## CHAPTER 39.

VOTE ALLOWING £5. 10 PER MONTH TO THE CHAPLAIN OF THE FORCES EASTWARD.

Legislative Records of the Council, xx., 263. Mass. Archives, xiii., 512.

Legislative Records of the Council, xx., 254. House Journal, p. 40.

*Voted*, That the Sum̃ of five pounds ten shillings ℔ month be allowed to the Person who shall be employed as Chaplain to the Forces destined for the Eastern Service under the Com̃and of Coll° Winslow. [*Passed June 14.*

## CHAPTER 40.

ORDER FOR FIRE ARMS FOR CASTLE WILLIAM.

Legislative Records of the Council, xx., 263. Mass. Archives, lxxiv., 202.

House Journal, p. 39. *Supra*, chap. 37.

*Ordered* That Six hundred Fire Arms, part of the two thousand five hundred already agreed to be purchased for the use of this Province, and to be distributed to the several Towns, be appropriated to the use of his Majesties Castle William, and that the same be deposited therein. [*Passed June 14.*

## CHAPTER 41.

ORDER IMPOWERING JAMES THOMAS, INDIAN, TO GIVE DEED.

Legislative Records of the Council, xx., 215. Mass. Archives, xxxii., 531.

Whereas it appears That the afores[d] respondent James Thomas in his answer to Kath. Sachemus's Petition [which was dismissed], does himself Petition this Court that he may be impower'd to give a Deed of Confirmation to the Heirs of Nehemiah Washburn of Lands sold by the s[d] James's Father to the s[d] Washbourn; Therefore

Mass. Archives, xxxii., 529–532. Legislative Records of the Council, xx., 263. House Journal, pp. 234[a], 250 (April, 1754); p. 39. Province Laws, xiv., 718, chap. 221. *Ante*, p. 47, chap. 102.

*Ordered* That the Pet[r] James Thomas W[th] the assistance of the Guardians of the Tetticut Indians be impowered to make a good Deed (in Law) of Confirmation to Josiah Dean one of the Heirs of the said Nehemiah Washbourn of the Lands mentioned in said Petition, and to see that Justice be done to all Parties in the sale thereof. [*Passed June 14.*

## CHAPTER 42.

ORDER WITH STAY OF EXECUTION ON THE PETITION OF THO[S] FLETCHER TO ENTER AN APPEAL.

Legislative Records of the Council, xx., 264. Mass. Archives, xliii., 762.

On the Petition of Thomas Fletcher, [*ante*, p. 48, chap. 106] Read and Accepted and

Mass. Archives, xliii., 759. House Journal, p. 103 (December, 1753); pp. 8, 9, 41. *Ante*, p. 48, chap. 106.

*Ordered* that the Prayer of the Petition be granted and that upon the Petitioners giving Sufficient Caution to the Sheriff of the County of Suffolk to pay such Sum as shall finally be Adjudged due to George Ruggles therein Named upon the Action mentioned, the Execution issued against the Petitioner be staid and that the Petitioner be enabled to appeal from from [1] the Judgm[t] of the Inferiour Court in the County of Suffolk to the Superiour Court of Judicature Court of Assize & General Goal Delivery next to be holden within and for the County of Suffolk he Entering his Appeal in the Clerks Office of the said Inferiour Court fourteen days before the Sitting of the Court appealed to and giving Bond before one of the Justices of the said Inferiour Court (in the usual Form [2] to prosecute the said Appeal to Effect and that the Justices of the said Superiour Court be impowered and directed to hear and determine the Cause aforesaid give Judgm[t] therein and award Execution thereon as they might have done had such Appeal been made and prosecuted in time and Manner as by Law is prescribed & no Default had been made. [*Passed June 14.*

## CHAPTER 43.

VOTE ELECTING DAN[L] RUSSELL, ESQ[R], COMMISS[R] OF IMPOST.

Legislative Records of the Council, xx., 264. Mass.

The two Houses proceeding this Day to the Election of a Commissioner or Receiver [of] [3] the Duties of Impost for this present Year;

[1] *Sic.*
[2] *Sic*, as to absence of parenthesis.
[3] Inserted from Legislative Records of the Council, xx., 264.

Archives, lxv., 42.
House Journal, p. 41.

Daniel Russell Esq$^{r}$ was duly elected by the Votes of the Major Part of the Council & House of Represent$^{ves}$ to the said Office. [*Passed June 15.*

## CHAPTER 44.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, &c$^{A}$, IN SUFFOLK COUNTY.

Legislative Records of the Council, xx., 265.
House Journal, p. 42.
Province Laws, iii., 816, note.

In the House of Representatives:

*Voted* that James Allen & Joseph Richards Esq$^{rs}$ with such as the Hon$^{ble}$ Board shall join, be a Committee to farm out the Excise on Tea, Coffee & China Ware for the County of Suffolk,

In Council; Read & Concur'd, And John Erving Esq$^{r}$ is joined in the Affair. [*Passed June 15.*

## CHAPTER 45.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, &c, IN ESSEX COUNTY.

Legislative Records of the Council, xx., 265.
House Journal, p. 42.

In the House of Representatives;

*Voted* that Henry Gibbs & Joseph Gerrish Esq$^{rs}$ with such as the Hon$^{ble}$ Board shall join, be a Committee to farm out the Excise on Tea, Coffee & China Ware, for the County of Essex,

In Council; Read & Concur'd; And Thomas Berry Esq$^{r}$ is joined in the Affair. [*Passed June 15.*

## CHAPTER 46.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, &c, IN MIDDLESEX COUNTY.

Legislative Records of the Council, xx., 265.
House Journal, p. 42.

In the House of Representatives;

*Voted* that William Brattle Esq$^{r}$ & M$^{r}$ James Russell, with such as the Hon$^{ble}$ Board shall join, be a Com$^{tee}$ to farm out the Excise on Tea, Coffee & China Ware; for the County of Middlesex,

In Council; Read & Concur'd; And Ezekiel Chever Esq$^{r}$ is joined in the Affair. [*Passed June 15.*

## CHAPTER 47.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, &c, IN HAMPSHIRE COUNTY.

In the House of Representatives
*Voted* that Joseph Hawley Esq^r^ and Cap^t^ Moses Marsh with such as the Hon^ble^ Board shall join be a Committee to farm out the Excise on Tea Coffee & China Ware for the County of Hampshire
In Council Read & Concur'd & Eleazer Porter Esq^r^ is joined in the Affair. [*Passed June 15.*

Legislative Records of the Council, xx., 265. Mass. Archives, cxix., 672.

House Journal, p. 42.

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## CHAPTER 48.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, &c, IN WORCESTER COUNTY.

In the House of Representatives
*Voted* that William Richardson Esq^r^ and Cap^t^ Nathan Tyler with such as the Hon^ble^ Board shall join be a Committee to Farm out the Excise on Tea Coffee and China Ware for the County of Worcester
In Council Read and Concur'd and Joseph Wilder Esq^r^ is joined in the Affair. [*Passed June 15.*

Legislative Records of the Council, xx., 265. Mass. Archives, cxx., 25.

House Journal, p. 42.

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## CHAPTER 49.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, &c, IN PLYMOUTH COUNTY.

In the House of Representatives
*Voted* that Thomas Foster & Gamaliel Bradford Esq^rs^ with such as the Hon^ble^ Board shall join be a Com^tee^ to farm out the Excise on Tea Coffee & China ware for the County of Plymouth
In Council; Read & Concur'd, And John Cushing Esq^r^ is joined in the Affair. [*Passed June 15.*

Legislative Records of the Council, xx., 265. Mass. Archives, cxix., 673.

House Journal, p. 42.

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## CHAPTER 50.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, &c, IN BARNSTABLE COUNTY.

In the House of Representatives;
*Voted* that James Otis, and David Crocker Esq^rs^ with such as the Hon^ble^ Board shall join, be a Committee to farm out the Excise on Tea, Coffee, & China Ware, for the County of Barnstable,
In Council; Read & Concur'd, And John Otis Esq^r^ is joined in the Affair. [*Passed June 15.*

Legislative Records of the Council, xx., 265.

House Journal, p. 42.

## CHAPTER 51.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, &c, IN BRISTOL COUNTY.

Legislative Records of the Council, xx., 265. Mass. Archives, cxix., 673a.

House Journal, p. 42.

In the House of Representatives

*Voted* that Ephraim Leonard Esq$^{r}$ & & [1] M$^{r}$ Israel Tisdale with such as the Hon$^{ble}$ Board shall join be a Committee to farm out the Excise on Tea Coffee and China Ware for the County of Bristol

In Council Read & Concur'd & George Leonard Esq$^{r}$ is joined in the Affair. [*Passed June 15.*

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## CHAPTER 52.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, &c, IN YORK COUNTY.

Legislative Records of the Council, xx., 265. Mass. Archives, cxix., 670a.

House Journal, p. 42.

In the House of Representatives

*Voted* that John Storer Esq$^{r}$ and M$^{r}$ Samuel Hill with such as the Hon$^{ble}$ Board shall join be a Committee to farm out the Excise on Tea Coffee & China Ware for the County of York

In Council; Read & Concur'd & John Hill Esq$^{r}$ is joined in the Affair. [*Passed June 15.*

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## CHAPTER 53.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, &c, IN THE COUNTY OF DUKES COUNTY.

Legislative Records of the Council, xx., 265.

House Journal, p. 42.

In the House of Representatives,

*Voted* that Col$^{o}$ Mahew & Cp$^{t}$ Norton with such as the Hon$^{ble}$ Board shall join, be a Committee to farm out the Excise on Tea, Coffee & China Ware, for the County of Dukes County,

In Council; Read & Concur'd; And John Skinner Esq$^{r}$ is joined in the Affair. [*Passed June 15.*

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## CHAPTER 54.

VOTE APPOINTING A COMMITTEE TO FARM THE EXCISE ON TEA, &c$^{A}$, IN NANTUCKET COUNTY.

Legislative Records of the Council, xx., 266. Mass. Archives, cxix., 672a.

House Journal, p. 42.

In the House of Representatives

*Voted* that Abishai Folger Esq$^{r}$ and M$^{r}$ Richard Coffin with such as the Hon$^{ble}$ Board shall join be a Committee to farm out the Excise on Tea Coffee and China Ware for the County of Nantucket

In Council Read & Concur'd And Josiah Coffin Esq$^{r}$ is joined in the Affair. [*Passed June 15.*

[1] *Sic.*

## CHAPTER 55.

VOTE FOR NOTIFYING THE FARMING OF THE EXCISE.

Legislative Records of the Council, xx., 269. Mass. Archives, cxix., 670.

*Voted* that the Comittees of the several Counties to farm out the Excise on Tea, Coffee & China Ware, insert in the Publick Prints the Time & place design'd for that purpose; and That the Comencement of the Rates for said Excise is on the first of July next. [*Passed June 15.*[1]

House Journal, p. 43. Province Laws, iii., 816, note. *Ante*, pp. 186–188, chaps. 44–54.

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## CHAPTER 56.

RESOLVE THAT THE EXCISE ON TEA, &c^A, BE MORTGAGED FOR PAYMENT OF FIRE ARMS.

Legislative Records of the Council, xx., 269. Mass. Archives, cxix., 671.

*Resolved*, That the Excise on Tea, Coffee and China Ware for the Present year be mortgaged as a security (as far as it goes) for the payment of the two thousand fire arms directed to be sent for, to London. [*Passed June 18.*

House Journal, p. 43. *Infra*, chap. 58.

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## CHAPTER 57.

ORDER APPOINTING A COMMITTEE TO PURCHASE FIRE ARMS.

Legislative Records of the Council, xx., 269. Mass. Archives, lxxiv., 211.

In the House of Represent^s

*Ordered* That M^r Allen M^r James Bowdoin & M^r Fletcher with such as the Hon^ble Board shall join be a Comittee to purchase Two thousand five hundred Fire Arms for the use of the Province.

In Council, Read & Concur'd and Ezekiel Chever & John Erving Esq^rs are joined in the affair. [*Passed June 18.*

House Journal, p. 36. *Ante*, p. 184, chap. 37.

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## CHAPTER 58.

ORDER FOR PURCHASING 2,000 FIRE ARMS IN LONDON.

Legislative Records of the Council, xx., 269. Mass. Archives, lxxiv., 210.

*Ordered*, That the Comittee appointed to purchase the two thousand five hundred fire Arms for the use of this Province be directed to write to M^r Agent Bollan, or some other person to purchase two thousand (part of the said twenty five hundred) in London, upon the Credit of this Province and on the best Terms he can, and to send them over as soon as may be. [*Passed June 18.*

House Journal, p. 43. *Supra*, chap. 57.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 17.

## CHAPTER 59.

ORDER ALLOWING THE ACCOᵀ OF THE TREASᴿ OF HAMPSHIRE COUNTY.

Legislative Records of the Council, xx., 270. Mass. Archives, ccxlviii., 63.

Mass. Archives, ccxlviii., 63. House Journal, pp. 9, 29.

AN ACCOMPT presented by Edward Pynchon, Treasurer of the County of Hampshire for the Year 1753, Having been by him laid before the Court of General Sessions of the Peace for the said County and by them allowed,

Read &

*Ordered*, That this Accompt be allowed, & That the Balance thereof being one Pound three shillings & Nine pence one farthing (exclusive of the Assessments laid on Suffield, Enfield and Somers for the last two Years, amounting to Sixty two pounds three shillings and one farthing) the said County be accountable to the said Treasurer for and further that yᵉ above Assessments on Suffield Enfield & Somers, to yᵉ amount aforesᵈ if collected, shall be accounted for by yᵉ Treasurer to yᵉ County. [*Passed June 18.*[1]

## CHAPTER 60.

ORDER FOR REPAIRS ON THE LIGHT HOUSE BOAT.

Legislative Records of the Council, xx., 272. Mass. Archives, lxv., 47.

Legislative Records of the Council, xix., 347. House Journal, p. 52.

A MEMORIAL of Robert Ball, Keeper of the Light House, at the Entrance of Boston Harbour, setting forth that the Sails and Mooring of the Boat there, belonging to the province, are worn out and unfit for Service, Praying that a new Set of Sails and Mooring may be provided.

Read &

*Ordered* that the Committee upon the Affairs of the Light house be directed to make Such Supply's for the Light House Boat within mentioned as they Judge Necessary. [*Passed October 18.*

## CHAPTER 61.

ORDER ALLOWING THE ACCOᵀ OF THE TREASURER OF PLYMOUTH COUNTY.

Legislative Records of the Council, xx., 279. Mass. Archives, ccxlviii., 120.

Mass. Archives, ccxlviii., 120. House Journal, pp. 9, 51, 53.

AN ACCOMPT presented by Edward Winslow Esqʳ Treasurer of the County of Plymouth for the last Year, having been laid before the Court of General Sessions of the Peace, for the said County, and by them allowed.

Read & it Appearing the within Accᵗ is right Cast & well Vouched And that there is a Ballance due from From [2] Edward Winslow Esqʳ County Treasurer of Thirty Three pounds 14/7.½,

*Ordered* that the Sᵈ Treasurer be further Accountable to Sᵈ County for Sᵈ Sum. [*Passed October 18.*

[1] Adjourned to October 17. See Legislative Records of the Council, xx., 272.

[2] *Sic.*

## CHAPTER 62.

ORDER ON PETITION OF THO$^{S}$ & JONATHAN HARLOW AND OTHERS CONFIRMING PARTITION OF LAND.

A Petition of Thomas Harlow & Jonathan Harlow both of Plymouth in the County of Plymouth, and Abner Sylvester, Guardian to His Son Nathaniel Sylvester a Minor, and Jedediah Harlow, shewing that the first mentioned Petitioners were Tenants in Common with Eleazer Harlow, now Dec$^{d}$ in certain Lands in Plymouth, containing about One hundred & eighty Acres: which they agreed to make Partition of, & the Instrument of their Agreement was drawn, and the Land accordingly divided, but the said Eleazer died before the Instrument was executed, Praying that this Court would confirm the said Division, and that the Parties may hold in severalty, as much as if the aforesaid Instrument, had been executed by the said Eleazer,

Read &

*Ordered* that the prayer of the petitioners be granted and that the division made in the life time of Eleazer Harlow with his Brothers Thomas & Jonathan Mentioned in the petition be confirmed and held good to all intents & purposes as if the deed of partition had actually been passed by the parties in the life time of the Said Eleazer & that the Said Thomas & Jonathan together with the heirs of the Said Eleazer hold in Severalty by the meets & bounds mentioned in the petition. [*Passed October 18.*

Legislative Records of the Council, xx., 279. Mass. Archives, xix., 179.

Mass. Archives, xix., 177. House Journal, pp. 51, 52.

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## CHAPTER 63.

ORDER FOR A COVERT WAY FROM THE PROV$^{CE}$ HOUSE.

*Ordered* that the Committee Appointed for the repairs of The province house be directed to make a Convenient Covert way from Said house to the Street that persons may pass and repass dry in foul weather. [*Passed October 22.*

Legislative Records of the Council, xx., 281. Mass. Archives, xlix., 404.

House Journal, p. 57. Province Laws, xiv., 490, chap. 207.

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## CHAPTER 64.

ORDER APPOINTING A COMMITTEE ON THE AFFAIR OF THE FIRST PARISH IN MIDDLEBOROUGH.

A Petition of the Committee of the first Parish in Middleborô setting forth the Unhappy Circumstances the said Parish has been in since their having been divided into two Societies, and for as much as they are now destitute of a Minister, and have no Prospect of settling one among them, Praying that the said Parish may be freed from any Prosecution in the Law on Account of their having no settled Minister among them, and that the Inhabitants may attend the publick Worship in other Places near them, as may be most Convenient for them, or be otherwise releived.

In the House of Representatives; Read &

Legislative Records of the Council, xx., 282.

Mass. Archives, cxvi., 709–714. House Journal, pp. 58, 60.

*Ordered* that Thomas Foster and Thomas Clap Esq^rs with such as the Hon^ble Board shall join, be a Comm^tee to hear the Petitioners and other Persons that are attending, as may be concerned in the Petition; and that the Committee, if upon hearing the Petitioners, judge it necessary, that they then repair to Middleborô, hear the Parties there, and consider their Circumstances, and report what may be proper for this Court to do thereon; The Charge of the Committee to be born by the first Parish in Middleborough; In Council; Read & Concur'd; And Samuel Watts Esq^r is joined in the Affair. [*Passed October 23.*

## CHAPTER 65.

VOTE ALLOWING 37/1 TO NATHAN^L RUSSELL, ESQ^R.

Legislative Records of the Council, xx., 283. Mass. Archives, lxxiv., 230.

House Journal, p. 65.

A PETITION of Nathaniel Russell Esq^r of Littleton, praying to be allowed out of the publick Treasury his Accompt of Expence in the Funeral of One Stephen Corey, a Soldier in the late Expedition upon Kennebeck River, who died upon his Return, amounting to Thirty seven shillings, and one penny,

Read &

*Voted* that the prayer of the Petition be granted and that the Petitioner be paid out of the Publick Treasury the Sum of Thirty Seven shillings & one penny in Discharge of the Account Mentioned in the Petition. [*Passed October 25.*[1]

## CHAPTER 66.

VOTE AND ORDER DEFINING THE POWERS OF THE COLLECTORS AND SURVEYORS OF THE TOWN OF PELHAM.

Legislative Records of the Council, xx., 283. Mass. Archives, cxvi., 719.

Mass. Archives, cxvi., 717–720. Province Laws, iii., 714, chap. 23; 744, note. House Journal, pp. 57, 66, 67.

A PETITION of the Select Men of the Town of Pelham in the County of Hampshire, setting forth the great Difficulties the Inhabitants of said Town are under, by Reason of their Assessors & Collectors of Taxes neglecting to take the Oath, respecting the Bills of Credit of the Neighbouring Governments; Praying that this Court would give such Order thereon, as also in respect of the Repairs of their High Ways as may be necessary for the Relief of the said Town.

[Read &]

*Voted*[2] and

*Ordered* That the Constables and Collectors, for s^d Town, of all and Every the Assessments Whether Province Town or County, Who have been chosen and Sworn to those offices in s^d Town either in y^e month of March 1750. or in any other year since, before y^e month of march last and who have not finished & perfected their Collections of the Sum Total of the several Assessments which within that time have been made of any Sums lawfully ordered Set and granted to be assessed on the Inhabitants of s^d Town and assessed by Assessors who had taken y^e assessors Oath Be and hereby are

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is October 24.

[2] The House Journal, p. 66, reads, "Read and accepted, and *Voted.*"

Impowered to finish and perfect their Collections of all such assessments, and to Inforce y^e^ paym^t^ of all such sums in which particular persons are and have been assessed in s^d^ assessments which yet remain unpaid by all such ways or methods as Constables and Collectors of Taxes in all respects qualified are Impowered to do by Law

And that s^d^ Constables and Collectors of Pelham Shall be Accountable to the Province Treasurer, Treasurer for y^e^ County of Hampshire, and Treasurer of s^d^ Town of Pelham for the Time being respectively for all y^e^ respective sums Which have been or Shall be Collected by them on province Town & County assesm^ts^ and Shall be Compelled and Oblidged to pay in all such sums to s^d^ Treasurers respectively to whom they are due, by all such ways; & means as qualified Constables and Collectors may by Law be oblidged to do

And It is further

*Ordered* That the Surveyors of Ways for s^d^ Town in y^e^ year 1750. and in Each Succeeding year since Shall render to the Surveyor of Ways in s^d^ Town for y^e^ Time being a True Acc^t^ of all those persons Who did not do & perform their proportionable part of Work at making & Maintaining Ways in s^d^ Town, during y^e^ Time that the Surveyors of Ways for s^d^ Town were Not qualified by taking y^e^ Oath required by Law respecting y^e^ Bills of Credit of the Neighbouring Governm^ts^ and s^d^ Surveyors for the Time being are hereby directed and Impowered to order and Oblidge all such persons as in that time Neglected to do their proportion of Work at y^e^ Ways, in the first place to do and perform so much Work at y^e^ Ways in s^d^ Town as Shall be equal to the Whole of Each respective Polls proportion through y^e^ Whole time afore^d^ which work Such persons have Neglected to perform, before they Shall proceed to Notifie and order the Inhabitants of s^d^ Town in gen^l^ to begin and Enter on, a Course of Work at y^e^ Ways to be performed in a legal proportion by all the y^e^ [1] Inhabitants of s^d^ Town without any respect to former defects of any of s^d^ Inhabitants. [*Passed October 25.*

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## CHAPTER 67.

VOTE ANNEXING JN^o^ WELD & OTHERS WITH THEIR ESTATES TO THE TOWN OF STURBRIDGE.

A Petition of John Weld, Moses Weld, Moses Weld jun^r^, Aaron Weld, Abijah Weld, and Joshua Weld, shewing that they are settled upon a Tract of Land in the County of Worcester, commonly called the Gore, which is annexed to no Town, & lies most commodiously situated for the Town of Sturbridge, Therefore Praying that they & their Estates may be joined to the said Town of Sturbridge;

Legislative Records of the Council, xx., 284. Mass. Archives, cxvi., 693.

Read &

*Voted* that the prayer of the Petition be granted & that the Petitioners with the Lands in the petition Mentioned being one Mile & One quarter in length running East from Oxford Northwest Corner Upon Oxford line then running A North line to Brookfield South line be & hereby is Annexed to & Made part of the Town of Sturbridge there in every respect to do duty & receive priviledge. [*Passed October 25.*

Mass. Archives, cxvi., 692. House Journal, pp. 63, 67.

[1] *Sic.*

## CHAPTER 68.

VOTE ALLOWING 40/ TO GEORGE WATKINS.

Legislative Records of the Council, xx., 284. Mass. Archives, lxxiv., 245.

A PETITION of George Watkins of Sturbridge, Praying the Charge of his Sickness when he returned from His Majesty's Service in the taking of Cape Breton, may be paid to him out of the publick Treasury,

Read &

Mass. Archives, lxxiv., 244; cccili., 67. House Journal, pp. 55, 68.

*Voted* that there be Allowed & paid out of the publick Treasury the Sum of Forty Shillings lawfull money in full for what he paid his Nurse & other expences & during his Sickness in the town of Boston exclusive of what he has Already Received. [*Passed October 25.*

## CHAPTER 69.

ORDER IMPOWERING CALEB DODGE, ADMINISTRATOR, TO EXECUTE A DEED.

Legislative Records of the Council, xx., 285. Mass. Archives, xix., 216.

A PETITION of Caleb Dodge Administ$^{r}$ of the Estate of Benjamin Dodge late of Beverly dec$^{d}$ shewing that the said Benjamin in his Life time agreed with William Mayberry to make over to him part of his Right in the Township of New Marblehead, upon his performing the Condition of Settlement, which the said Mayberry has accordingly done, and is ready to make Proof thereof; and for as much as the Petitioner cannot give a lawful Deed of the said Land, therefore praying this Court to grant him Assistance in the said Affair.

Mass. Archives, xix., 216. House Journal, pp. 61, 68.

Read &

*Ordered* that the prayer of the petition be so far granted as that the Petitioner Caleb Dodge be & hereby is fully Authorized and Impowered to make & Execute to the S$^{d}$ William Meaybary good and Sufficient Deeds in the Law of two Ten Acre lots Mentioned in the Petition Upon his the Said Meaybary producing to Said Dodge full & Sufficient proof of of[1] his having performed the Conditions of the Grant of the General Court as Stipulated in the Covenant between Benj$^{a}$ Dodge and the S$^{d}$ Meaybary & also give Sufficient Caution to Said Caleb Dodge Adm$^{r}$ & Guardian that S$^{d}$ Meaybary his heirs & assigns Shall Also Continue to pay the Ministerial Charges in Said Covenant. [*Passed October 25.*

## CHAPTER 70.

ORDER IMPOWERING EDWARD DOTEN & AMAZIAH HARLOW, EXECUTORS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 285. Mass. Archives, xix., 208.

A PETITION of Edward Doten & Amaziah Harlow, Executors of the last Will & Testament of Elisha Doten late of Plymouth dec$^{d}$ shewing that none of the Heirs are willing to have the real Estate settled upon them, & it being small, cannot without Prejudice to it

[1] *Sic.*

be divided among them, and for as much as there are divers Minors concerned, Therefore Praying that the whole may be sold.

*Ordered* that the prayer of the petition be So far granted as that the Petitioners in their Capacity be & hereby are Impowered to make Sale of the real Estates in the petition mentioned for the Most the Same will fetch and to execute a good Deed or Deeds of the Same they Observing the directions of the Law respecting the Sale of real Estates provided that Paul Doten James Doten & Stephen Doten (three of the Children of Elisha Doten Dec$^{d}$ who are of Age) do give their Consent to the Sale of Said Estate & that the pet$^{rs}$ give Caution to the Judge of Probates for the County of Plymouth that the proceeds Arising by S$^{d}$ Sale be distributed to the heirs of Elisha Doten Dec$^{d}$ in Such Shares as is Mentioned in the Last Will & Testament of S$^{d}$ Dec$^{d}$. [*Passed October 25.*

Mass. Archives, xix., 207. House Journal, pp. 53, 65. Province Laws, ii., 151, chap. 10.

## CHAPTER 71.

VOTE IMPOWERING JACOB CHALCOM, INDIAN, TO SELL LAND.

A Petition of Jacob Chalcom of Natick Indian, Praying that he may be impowered to sell some small Parcells of Land, he owns in said Town for Payment of his Debts, Purchasing things necessary for his Husbandry Affairs, &c$^{a}$

Read &

*Voted* that the prayer of the petition be granted & that the petitioner have liberty to Sell So much of his Outlands as shall be needfull for the purposes mentioned in the pet$^{n}$ and also have liberty to exchange the remaining part of his Small peices of remote land for such other lands as may be Neerer & Better Accomodate his Homestead. with the Assistance and under the Special direction of the Guardians of the Natick Indians. [*Passed October 25.*

Legislative Records of the Council, xx., 286. Mass. Archives, xxxii., 418.

Mass. Archives, xxxii., 417. House Journal, pp. 35, 40, 41, 60, 61, 65, 66. *Ante*, p. 110, chap. 256.

## CHAPTER 72.

ORDER ALLOWING £2. 10. 8 TO JOSEPH CRAIG.

A Petition of Joseph Craig of Rutland, praying that the Charge of his Brothers Sickness & Funeral, who was a Soldier in the late March up Kennebeck River, and died at Boston upon his Return may be paid out of the publick Treasury.

Read &

*Ordered* that the prayer of the pet$^{n}$ be So far granted that the Sum of Two pounds ten shillings & eight pence lawfull money be paid out of the publick Treasury to the pet$^{r}$ in full for the expenses mentioned in the Petition. [*Passed October 25.*

Legislative Records of the Council, xx., 286. Mass. Archives, lxxiv., 226.

Mass. Archives, lxxiv., 226. House Journal, pp. 64, 68.

## CHAPTER 73.

ORDER ALLOWING THE ACCOᵀ OF THE TREASᴿ OF YORK COUNTY.

Legislative Records of the Council, xx., 287. Mass. Archives, ccxlviii., 103.

Mass. Archives, ccxlviii., 103. House Journal, pp. 9, 67.

AN ACCOMPT presented by Jeremiah Moulton Esqʳ Treasurer of the County of York for the last Year, Having by him been laid before the Court of General Sessions of the Peace for the said County & by them allowed;

Read & it Appearing that the within Account is right Cast & well Vouched And [1] Accepted &

*Ordered* that the within Named Jeremiah Moulton the County Treasurer be further Accountable for the Sum of thirty three pounds sixteen Shillings & five pence the Ballance of Sᵈ Account. [*Passed October 26.*

## CHAPTER 74.

ORDER IMPOWERING THE COURT OF GENERAL SESSIONS TO GRANT LICENCE TO KEEP AN INN IN LYNN.

Legislative Records of the Council, xx., 288. Mass. Archives, cxi., 311.

Mass. Archives, cxi., 310. House Journal, p. 68.

A PETITION of Benjamin Newhall in the Name & Behalf of the Select Men of Lyn, shewing that since the last Term for granting Licences in the County of Essex, two Innholders have died in the said Town, Therefore Praying that upon the said Select Mens Approbation, the Court of General Sessions of the Peace for the said County of Essex may be impowered at their next Term to grant a Licence to some fit Person, to be an Innholder in said Town of Lyn

Read &

*Ordered* that the Court of General Sessions of the peace for the County of Essex at their Next Term be Allowed & Impowered to Licence Some suitable person to be an Inholder in the Town of Lynn (being approbated by the Selectmen of Sᵈ Town) the time for granting of licences being Elapsed notwithstanding. [*Passed October 26.*[2]

## CHAPTER 75.

VOTE IMPOWERING THOˢ FOSTER, ESQ, ADMᴿ, TO SELL AN ESTATE.

Legislative Records of the Council, xx., 290. Mass. Archives, xix., 198.

Mass. Archives, xix., 198. House Journal, pp. 58, 62. Province Laws, ii., 151, chap. 10.

A PETITION of Thoˢ Foster Esqʳ Administrator of the Estate of Jonathan Briant late of Plymouth decᵈ shewing that the said Estate is Insolvent, and for as much as it will be a long time before the Superiour Court will sit in the County of Plymouth, Praying that this Court would impower the Petitioner to sell the Real Estate of the said Jonathan Briant for Payment of the Debts.

Read &

*Voted* that the prayer of the petition be granted and the petitioner is hereby impowered to make Sale of the real Estate of the Sᵈ Jonathan Briant Decᵈ for the purpose within mentioned & to Execute a Good Deed or Deeds of the same he Attending the rules of

[1] *Sic.*

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is October 29.

the Law relating to the Sale of such Estates & to Account with the Judge of Probate for the County of plymouth as to his proceeding herein. [*Passed October 26.*[1]

## CHAPTER 76.

ORDER IMPOWERING WILLIAM MANNING & ENOCH KIDDER, GUARDIANS, TO SELL LAND.

A Petition of William Manning & Enoch Kidder, Guardians to Thomas & Elijah Danforth, Children of Thomas Danforth late of Billerica dec$^{d}$ shewing that the Judge of Probate for the County of Middlesex is disposed to settle upon the said Minors, the whole of the Dower of their late Grand-Mother, Rebecca Foster dec$^{d}$ in Case payment may be made of the Shares of the other Heirs, out of the Estate of the said Minors, Therefore Praying that the Petitioners may be impowered to sell so much of the Out Lands of the said Minors, and Part of said Thirds as may enable them to pay the other Shares;

Legislative Records of the Council, xx., 291. Mass. Archives, xix., 187.

Mass. Archives, xix., 186. House Journal, pp. 73, 74. Province Laws, ii., 151, chap. 10.

Read &

*Ordered* that the Prayer of the Petition be granted, and the Petitioners in their said Capacity are hereby allowed & impowered to make Sale of so much of the Out Lands, and of the Thirds within mentioned as shall be sufficient for the Purpose mentioned in the Petition, and to execute in due Form of Law a Deed or Deeds for Conveyance thereof to such Person or Persons as shall give most for the same Provided the Pet$^{rs}$ before such Sale be made, observe the Directions of the Province Law relating to Executors or Administrators selling Real Estates, & give sufficient Security to the Judge of Probate of Wills for the County of Middlesex, that the Produce of the Premises shall be disposed of agreable to Law. [*Passed October 26.*[1]

## CHAPTER 77.

ORDER IMPOWERING JN$^{O}$ GRATON TO RECOGNIZE AS AN INNHOLDER.

A Petition of John Grayton of Roxbury, Inn holder; shewing that the Petitioner has discharged his Duties of Excise with the Farmer, yet thrô Forgetfulness he omitted to recognize in due Season for performing the Conditions of his Licence; and therefore Praying that he may have Liberty to recognize,

Legislative Records of the Council, xx., 288. Mass. Archives, cxi., 316.

House Journal, p. 69.

Read &

*Ordered* that the prayer of the petition be granted & that the Court of General Sessions of the peace for the County of Suffolk at their next Sitting be Allowed & Impowered to take proper recognizances of the Pet$^{r}$ Jn$^{o}$ Graton as an Inholder in the town of Roxbury the time being Elapsed Notwithstanding. [*Passed October 29.*

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is October 30.

## CHAPTER 78.

ORDER IMPOWERING SARAH RICHARDSON, ADMINISTRATRIX, TO SELL AN ESTATE.

Legislative Records of the Council, xx., 288. Mass. Archives, xix., 185.

A PETITION of Sarah Richardson, Widow of Abiel Richardson late of Peperil Dec$^{d}$ and Administrator of his Estate, shewing that the Personal Estate will not pay the Debts, and the Real Estate is very small, and divers young Children left by the Intestate, Therefore Praying that the Petitioner may have Liberty to sell the Real Estate for Payment of the Debts, & Support of herself & Children.

Mass. Archives, xix., 184. House Journal, pp. 63, 71. Province Laws, ii., 151, chap. 10.

Read &

*Ordered* that the prayer of the Petition be granted and that the petitioner be & hereby is impowered to make sale of the Lands & Buildings mentioned in the Petition to such person or persons as shall Appear to give most for the same & to execute a good & sufficient Deed or Deeds in the law she observing the rules in the law for the sales of Intestate estates & giving proper Caution to the Judge of Probates for the County of Middlesex to pay the deceased just Debts & the remainder to the guardian of the Children of the Pet$^{r}$ for their use. [*Passed October 29.*

## CHAPTER 79.

Legislative Records of the Council, xx., 291. Mass. Archives, xxxii., 560.

ORDER DIRECTING THE COMMISSARY GENERAL TO ADVANCE AND APPLY £300 FOR PRESENTS TO THE IND$^{NS}$.

House Journal, p. 74.

*Ordered* that the sum of three hundred pounds be advanced & Apply'd by the Commissary General out of the Truck trade as a present to the Penobscot And Norridgwalk tribes of Indians. [*Passed October 30.*

## CHAPTER 80.

ORDER ADJOURN$^{G}$ THE COURTS OF HAMPSHIRE COUNTY.

Legislative Records of the Council, xx., 291. Mass. Archives, xliv., 63.

WHEREAS divers of the Justices of the Court of General Sessions of the peace & Inferiour Court of Common pleas which by Law are to be held at Northampton in the County of Hampshire on the Second Tuesday of November Next are Members of this Court and the important Affairs of the Province require their Attendance thereon Wherefore

House Journal, p. 75. Province Laws, iii., 64, chap. 32.

*Ordered* that the Said Courts be Adjourned to the Second Tuesday of Feb$^{ry}$ Next and that all matters & things that Might have day at S$^{d}$ Courts on the S$^{d}$ Second Tuesday of Novem$^{r}$ Shall be heard & tried on the Said Second Tuesday of Feb$^{ry}$ And that all officers & other persons Concerned in Said Courts Conform themselves Accordingly. [*Passed October 30.*

## CHAPTER 81.

ORDER GRANTING TO JN° NOYES, DAN^L TALBOT & ELEAZER ROBINS LICENCES TO KEEP INNS.

A Petition of John Noyes, Daniel Talbot & Eleazer Robins, Innholders in the Town of Stoughton within the County of Suffolk, shewing that by Reason of the Court of General Sessions of the Peace Adjourning sooner than the Petitioners expected, they elapsed the Time for renewing their Licences, Praying that the said Court of General Sessions may be impowered to renew their respective Licences at their next Meeting.

Legislative Records of the Council, xx., 291. Mass. Archives, cxi., 313.

Mass. Archives, cxi., 312. House Journal, p. 73.

Read &

*Ordered* that the prayer of the petition be granted and that the Court of General Sessions of the peace for the County of Suffolk at the time to which the S^d^ Court Stands Adjourned be impowered (if they see fit) to grant Licence to the Petitioners to be Inholders in the Town of Stoughton they first Obtaining the Approbation of the Select men of S^d^ Town the time for granting of Licences being elapsed Notwithstanding. [*Passed October 30.*

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## CHAPTER 82.

ORDER GRANTING TO ALEXANDER ROSS LICENCE TO SELL STRONG DRINK.

A Petition of Alexander Ross of Falmouth in the County of York, shewing that he has undertook to carry on the Fishery in said Place, and therefore Praying that the Court of General Sessions of the Peace for the said County, may be impowered to grant him a Licence for retailing strong Drink.

Legislative Records of the Council, xx., 293.

House Journal, p. 73.

Read &

*Ordered* that the Prayer of the Petition be granted, and that the Court of General Sessions of the Peace for the County of York at their next Term, be impowered, (if they see fit) to Licence the Petitioner, to be a Retailer of Spirituous Liquors, in said Town of Falmouth, He first obtaining the Approbation of the Select Men of said Town, The Time for granting Licences being elapsed notwithstanding. [*Passed October 30.*

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## CHAPTER 83.

ORDER GRANTING TO JOHN CHAMPNEY LICENCE TO KEEP AN INN.

A Petition of John Champney of Dorchester, Inn-holder, shewing that by Mistake, he lost the Time for renewing his Licence, Praying that the Court of General Sessions of the Peace for the County of Suffolk, may be impowered by this Court to renew his Licence; at their next Meeting,

Legislative Records of the Council, xx., 293. Mass. Archives, cxi., 317.

House Journal, p. 73.

Read &

*Ordered* that the prayer of the petition be granted & that the

Court of General Sessions of the peace for the County of Suffolk at the time to which they Stand Adjourned be impowered (if they See fit) to licence the petitioner to be an Inholder in the Town of Dorchester he Obtaining the Approbation of the Selectmen of S$^{d}$ Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed October 30.*

## CHAPTER 84.

ORDER DIRECTING THE PROVINCE TREAS$^{RS}$ TO PROVIDE STANDARD SCALES & TROY WEIGHTS.

Legislative Records of the Council, xx., 293. Mass. Archives, ciii., 263.

House Journal, p. 74.

*Ordered* that the Province Treasurer provide a good Beam & Scales & a Nest of Troy weights from One hundred twenty eight ounces downward to the least denomination marked with the mark or Stamp Used in his Majestie's Exchequer for a publick Standard. [*Passed October 30.*

## CHAPTER 85.

ORDER SETTING OFF SAMUEL GREEN AND OTHERS WITH THEIR ESTATES FROM THE SOUTH TO THE NORTH PARISH IN MALDEN.

Legislative Records of the Council, xx., 125, 292. Mass. Archives, xiii., 480.

Legislative Records of the Council, xx., 193. House Journal, pp. 127, 128 (December, 1753); p. 215 (March, 1754); pp. 21, 22, 79.

A PETITION of Samuel Green & others of the South Parish in Malden (Praying for Reasons set forth in their Petition) to be set off with their Families & Estates to the North Parish in the said Town

The Committee to whom was refer'd the Petition of M$^{r}$ Samuel Green, Ezra Green & Benjamin Hills of Malden, hav$^{g}$ repaired to said Malden, viewed the Scituation of the Petitioners, & heard the Parties are of Opinion, that the Petitioners with their Estates be set off to the North Parish in said Malden, to do Duty & receive Priviledge there; Which is humbly submitted,

JOSEPH PYNCHON per Order,

Read & Accepted &

*Ordered* that the Petitioners mentioned in the Petition with their Estates be set off to the North Parish in Malden to do Duty & receive Privilege accordingly. [*Passed October 31.*[1]

## CHAPTER 86.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOSHUA BRAND, INDIAN, TO SET ASIDE A JUDGMENT.

Legislative Records of the Council, xx., 294. Mass. Archives, xxxii., 558.

A PETITION of Joshua Brand of Natick, Indian, complaining against one Nathaniel Bullard of Worcester, his obtaining a Judgment against him by Default, at the Inferiour Court of Common Pleas for the County of Worcester held in August, althô the Peti-

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is October 30.

tioner was never legally summoned to appear at said Court, Praying that the Judgment may be declared Null & Void, or that the Petitioner may be otherwise releived.

Mass. Archives, xxxii., 556. House Journal, p. 78.

Read &

*Ordered*, That the Petitioner serve the Adverse Party Nathaniel Bullard with a Copy of this Petition, That he shew cause (if Any he have) on the first Tuesday of the next Sitting of this Court, why the Prayer of the s[d] Petition should [not be][1] granted; and that Execution be staied in the [mean time].[1] [*Passed October 31.*

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## CHAPTER 87.

ORDER ALLOWING £4 AND A FURTHER SUM OF £4 ANNUALLY TO PAT. BURN.

A Petition of Patrick Burn a Soldier wounded in the Expedition against Cape Breton, shewing that the Effects of his Wounds do still remain so as to render him unable, to labour for his Support, Praying for further Relief.

Legislative Records of the Council, xx., 294. Mass. Archives, lxxiv., 247.

[Read &]

*Ordered* That the Sum of Four Pounds be allowed & paid out of the Publick Treasury to the Petitioner Patrick Burn in Consideration of his past Sufferings to this time. And that he be further allowed the Sum of Four Pounds Annually till farther Order of this Court, to be paid into the hands of the Overseers of the Poor of the Town of Wenham. [*Passed October 31.*

Mass. Archives, lxxiv., 247. House Journal, pp. 53, 78. Province Laws, xiv., 656, chap. 70.

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## CHAPTER 88.

ORDER GRANTING TO HENRY YOUNG BROWN LICENCE TO KEEP AN INN.

A Petition of Henry Young Brown of Haverhill in the County of Essex setting forth that he is well accomodated for keeping an Inn in the said Town, and therefore Praying that this Court would impower the Court of General Sessions of the Peace for the said County to licence the Petitioner to keep an Inn in said Town accordingly,

Legislative Records of the Council, xx., 294. Mass. Archives, lxxiv., 253.

Read &

*Ordered* that the prayer of the petition be so far granted that the Justices of the Court of General Session of the peace for the County of Essex at their Next Term be impowered (if they See fit) to licence the pet[r] to keep a House of publick entertainment in the house he now dwells provided he first obtain the approbation of the Selectmen of S[d] Town the time for granting of Licences being elapsed notwithstanding provided also it appear to the Justices of S[d] Court that Simeon Brown who was licensed an Inholder in S[d] House the last Year has duly paid his Excise to the Farmer. [*Passed October 31.*

Mass. Archives, lxxiv., 253. House Journal, pp. 77, 78.

[1] Manuscript mutilated.

## CHAPTER 89.

VOTE DESIRING THE GOVERNOR TO APPOINT A DAY OF THANKSGIVING.

Legislative Records of the Council, xx., 294. Mass. Archives, xiii., 591.

IN CONSIDERATION of the many publick blessing[s] Conferred by Almighty God upon this province in the Course of the year past more Especially that he hath been pleased to bless the Earth & make it fruitfull which Call for our most gratefull Acknowledgments

House Journal, p. 79. Love's Fast and Thanksgiving Days of New England, p. 497.

*Voted* that his Excellency the Governour be desired with the Advice of his Maj[s] Council to Appoint a Day of Publick Thanksgiving throughout this province for Celebrating the high praises of God therefor and that all Servile Labour be forbidden on S[d] Day.[1] [*Passed November 1.**

## CHAPTER 90.

VOTE IMPOWERING ELISHA MASON & OTHERS AS AGENTS OF THE TOWN OF SWANZEY TO SELL SCHOOL LANDS.

Legislative Records of the Council, xx., 295. Mass. Archives, lviii., 413.

A PETITION of Elisha Mason & otners Agents for the Town of Swanzey setting forth that in the Year 1743, the General Court appointed Perez Bradford Esq[r] and others a Committee to make Sale of the School Lands belonging to the said Town; which Business they did not perfect, most of the said Committee being now dead, and therefore Praying that the Pet[rs] may be impowered to sell the said Lands, the Produce thereof to be kept good as a Fund or Stock for the Support of the School in said Town by the Interest & Yearly Income thereof;

Mass. Archives, lviii., 412. House Jonrnal, pp. 77, 81, 82. Province Laws, xiii., 244, chap. 13.

Read &

*Voted* that the pet[n] be so far granted as that the Pet[rs] Elisha Mason Nicholas Thomas & John Anthony be & hereby are Authorized & Impowered to make sale of the School Land in the Township of Swanzey referred to in the petition & to execute a good & Sufficient Deed or Deeds in the Law of the Same and the money arising by the Sale of S[d] Lands be by the Town of Swanzey put to Interest and the Interest thereof be Yearly Apply'd towards the Maintaining the School in S[d] Town & for no other purpose whatsoever. [*Passed November 1.*

## CHAPTER 91.

ORDER GRANTING TO EDM[D] DIX LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 295. Mass. Archives, cxi., 322.

A PETITION of Edmund Dix of Chelsea setting forth the need of a Tavern in that part of said Town, where the Fishery is carried on; and therefore Praying that the Court of General Sessions of the Peace for the County of Suffolk, may be impowered at their next Meeting to grant him Licence for a Tavern there,

Mass. Archives, cxi., 321. House Journal, p. 82.

Read &

*Ordered* that the prayer of the petition be so far granted that the Justices of the Court of General [Sessions][2] of the peace for

[1] The Thanksgiving was appointed for November 28, and was public.
[2] Inserted from Legislative Records of the Council, xx., 295.

the County of Suffolk be impowered (if they See fit) at the time to which they Stand Adjourned to Licence the petr to be an Inholder in the Town of Chelsea he obtaining the Approbation of the Selectmen of Sd Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed November 1.*

## CHAPTER 92.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOHN SHEPERD FOR A NEW TRIAL.

A Petition of John Shepherd of Boston, shewing that at the Superiour Court held at Salem in October last, Alexander Watts recovered Judgment against him for £3.3.4½ Damage & Costs, which happened by Reason of the Petitioners Attorney Mr Kents being absent at Halifax, of which the Petitioner was intirely ignorant, and not attending the Court, Judgment went against him by Default; and therefore Praying that he may have an other Trial at said Court, & Execution stayed in the mean time.

Legislative Records of the Council, xx., 295. Mass. Archives, xliv., 17.

Mass. Archives, xliv., 14–19; ccciii., 68. House Journal, p. 81.

Read &

*Ordered* that the petr Serve the Adverse party Alexander Watts with a Copy of this petition that he Shew Cause (if any he have[1] on the first Wednesday of the Next sitting of the Court why the prayer thereof Should not be granted & that Execution be Staid in the meantime provided the petr give Bond with sufficient Sureties to the Sherriff of the County of Suffolk to pay what the Sd Alexd Watts may finally recover against him. [*Passed November 1.*

## CHAPTER 93.

ORDER IMPOWERING ABIGAIL SARTLE, ADMx, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Abigal Sartle, Widow of Zechariah Sartle, late of Groton decd & Administratrix on his Estate, shewing that the Real Estate is small, that the Personal falls much short of Payment of his Debts, & he has left a great Family of Children to be supported; and therefore Praying to be impowered by this Court to make Sale of the whole Real Estate for Payment of the Debts &ca

Legislative Records of the Council, xix., 296. Mass. Archives, xix., 213.

Mass. Archives, xix., 212, 214. House Journal, pp. 74, 79. Province Laws, ii., 151, chap. 10.

Read and

*Ordered* That the Prayer of the Petition be granted, and that the Petitioner in her said Capacity be and hereby is impowered with the advice and Consent of Samuel Tarbell to make Sale of the Land and Buildings mentioned in the Petition for the most they will fetch to such person or persons as shall appear to give most for the same and to execute a good and sufficient Deed or Deeds thereof in the Law, first Observing the Rules in the Law for the Sale of Intestates Estates, and giving proper Caution to the Judge of Probate for the County of Middlesex to pay the Debts mentioned in the Petition and that two thirds of what Shall remain be put into the hands of her Children's Guardians for their Use; and that the Principal of the other one third be secured for the use of her Children, or their lawfull Heirs after her decease, and she to receive the Interest of the said one third for her Right of Dower during Life. [*Passed November 1.*

[1] *Sic*, as to absence of parenthesis.

## CHAPTER 94.

ORDER GRANTING TO SAM[L] LETHBRIDGE LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 296. Mass. Archives, cxi., 315.

Mass. Archives, cxi., 314. House Journal, p. 80.

A PETITION of Samuel Lethbridge of Wrentham, Innholder, shewing that, by Reason of grievous Sickness in his Family, he has been prevented of renewing his Licence in the proper Season, Therefore, Praying that the Court of General Sessions of the Peace for the County of Suffolk, may be impowered by this Court at their next Meeting to renew his Licence.

Read &

*Ordered* that the prayer of the Petition be so far granted that the Justices of the Court of General Sessions of the peace for the County of Suffolk at the time to which they stand Adjourned be impowered (if they See fit) to Licence the pet[r] to be an Inholder in the Town of Wrentham he first Obtaining the Approbation of the Selectmen of S[d] Town the Time for granting of Licences being Elapsed Notwithstanding. [*Passed November 1.*

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## CHAPTER 95.

ORDER IN REGARD TO A NEW BOAT FOR CASTLE WILLIAM AND SUBSTITUTING MR JAMES BOWDOIN FOR ISAAC ROYALL, ESQ, ON THE COMMITTEE ON REPAIRS.

Legislative Records of the Council, xx., 299. Mass. Archives, lxxiv., 257.

Mass. Archives, lxxiv., 257. House Journal, p. 80. Province Laws, xiv., 507, chap. 252.

A MEMORIAL of John Larrabee, Lieutenant of his Majesty's Castle William, setting forth that the Boat belonging to the said Castle, called the Yawl, is so much out of Repair that it will not quit Cost to mend her, therefore Proposing that a New Boat be built of the same Dimensions,

Read &

*Ordered* that the Committee Appointed for the Repairs of the Castle take this Memorial Under Consideration And are hereby Impowered (if they Judge it necessary) to Cause A New Yawl to be built for the Use of the Castle And that M[r] James Bowdoin be one of the Committee in the Room of Isaac Royal Esq[r]. [*Passed November 1.*[1]

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## CHAPTER 96.

ORDER IMPOWERING THE ASSESSORS OF RUTLAND DISTRICT TO ASSESS A TAX OF ¼ PENNY PER ACRE ON LAND FOR THREE YEARS.

Legislative Records of the Council, xx., 252, 299. Mass. Archives, xiii., 511.

Mass. Archives, xiii., 507–510. Legislative Records of the Council, xx., 287.

A PETITION of the Inhabitants of Rutland District, setting forth their Difficulties in supporting the publick Charges of the said District without the Assistance of the Non Resident Proprietors, Praying that they may be impowered by this Court to lay a Tax of Three farthings ℔ Acre per Annum, on all the Lands there for the Space of Five Years, for defreying the Ministerial & other publick Charges there,

The Committee on the Petition of John Caldwell, for and in behalf

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 2.

of the District of Rutland, Having considered the said Petition, with the Answer made to the same, and heard such of the Parties as were pleased to attend; have agreed to & humbly report it as their Opinion, that on the Treasurer of said Districts lodging in the Hands of the Proprietors Clerk an Account of the Sums collected on the Tax, ordered by the General Court, in the Year 1749, with an Account how & in what Manner the same has been expended, the Assessors of the District of Rutland should be impowered to assess the Proprietors Lands in said District, and all other Lands in the same, excepting those granted to the Minister or Ministry, at the Rate of an half penny per Standard Acre, for the three Years next ensuing; the Sum arising thereby to be employed for the finishing the Meeting House, maintaining a Minister, clearing of Roads, or other publick Services; and that the Collectors for the Time being, be impowered agreeable to the Law, to collect the same, and pay it unto the Treasurer of the said District, who shall be appointed to receive the same; Which is Submitted,

In the Name & by Order of the Com^tee^ Benj^a^ Lynde,

Read and Accepted &

*Ordered* that the Assessors of the said District be and hereby are impowered to assess the said Lands at the Rate of one half penny per Standard Acre for three Years next ensuing, and the Collectors to collect & pay in the same, and that the Sum arising thereby be disposed of accordingly. [*Passed November 2.*

House Journal, pp. 21, 69, 88. Province Laws, iii., 666, note.

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## CHAPTER 97.

### ORDER ALLOWING £11. 10. 7 TO THO^S^ LAWRENCE.

A Petition of Thomas Lawrence, shewing that besides his Service as a Lieutenant in the late March upon Kennebeck River he assisted in erecting & building Fort Halifax, in which Service he lamed himself much and thereupon fell into a Fever, Praying that the Expence of his Illness may be allowed him out of the publick Treasury,

Read &

*Ordered* that the Sum of Eleven pounds ten shillings & seven pence be Allowed & paid out of the publick Treasury to the Petitioner Thomas Lawrence in full discharge of his Acc^t^ of Expences Mentioned in the petition. [*Passed November 2.*

Legislative Records of the Council, xx., 300. Mass. Archives, lxxiv., 258.

Mass. Archives, lxxiv., 258–260. Legislative Records of the Council, xx., 276. House Journal, pp. 79, 86.

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## CHAPTER 98.

### ORDER OF NOTICE REFERRING THE PETITION OF THE SELECT MEN OF DUNSTABLE IN REGARD TO MINISTERIAL AFFAIRS.

A Petition of Ebenezer Sherwin, Abraham Kendall & Ebenezer Kendall Select Men of the Town of Dunstable in behalf of said Town, shewing that in Conformity to the Order of the General Court in the Year 1753, they have chosen a Committee to effect the Building a Meeting House, and have raised & assess'd a Sum

Legislative Records of the Council, xx., 300. Mass. Archives, cxvi., 696.

Mass. Archives,

cxvi., 694-696, 698. Legislative Records of the Council, xx., 20. House Journal, pp. 138, 139 (April, 1753); pp. 67, 86. *Ante*, p. 10, chap. 7; p. 184, chap. 38.

of Money for that Purpose, as also for the Support of the Ministry, & done other Things necessary in that Affair, but it so happens that for want of observing the exact Forms of Law in their Proceeding, they meet with great Difficulty & Obstruction from some of the Inhabitants, and therefore Praying that this Court would establish their Proceedings, or otherwise releive them.

Read &

*Ordered* that the Whole affairs mentioned in this pet$^{n}$ and the pet$^{n}$ of Eleaz$^{r}$ Tyng & others be referred to the Second Tuesday of the Next Sitting of this Court And that the Selectmen within mentioned Serve the Town of Dunstable with a Copy of this Petition that they shew Cause (if any they have) on S$^{d}$ Second Tuesday why the prayer of the Petition Should not be granted And that the Clerk of the S$^{d}$ Town Return to this Court An Exact Account of the Different Numbers on the Question for making Answer to the Petition and what part of them were of the persons formerly belonging to Nottingham And the Moderator that may be Appointed is hereby required to assist Said Clerk in Collecting the Votes as Afores$^{d}$. [*Passed November 2.*

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# CHAPTER 99.

## RESOLVE AND ORDER IN REGARD TO APPORTIONING THE PAY OF DIVERS REPRESENTATIVES.

Legislative Records of the Council, xx., 302. Mass. Archives, xlix., 405.

House Journal, pp. 84, 85. Province Laws, iii., 818, note.

WHEREAS in the Tax Act made and passed in June last The Whole pay of the Representative for the Town of Groton the Districts of Shirley and Pepperrel was Set upon s$^{d}$ Groton and Also the whole pay of the Representative of the Town of Northampton and District of Southampton was Set on Northampton only Whereas the s$^{d}$ Districts by Law are Oblidged to pay y$^{e}$ Same proportions of y$^{r}$ respective representatives pay as the sums of s$^{d}$ Districts Province Tax is to y$^{e}$ sum of the Tax set on s$^{d}$ Towns

Therefore

*Resolved* and

*Ordered* That The Province Treasurer Immediately Issue his Warrants again to the assessors of the Towns of Groton & Northampton and to all y$^{e}$ Aboves$^{d}$ Districts, requiring the assessors of s$^{d}$ Shirley and Pepperrel to assess on y$^{e}$ respective Districts afores$^{d}$ y$^{r}$ respective & lawful proportions of the sum total of their Representative's pay for y$^{e}$ last year and also the assessors of Southampton to assess on s$^{d}$ Southampton y$^{r}$ lawfull proportion with Northampton of the pay of their Representative for y$^{e}$ last year And the Assessors of the s$^{d}$ Town of Groton and Northampton to assess y$^{r}$ respective Towns in y$^{e}$ respective sums that Shall remain after the proportions of y$^{e}$ repective Districts that are Joined with them are Substracted Anything Contained in the Warrants already Issued by s$^{d}$ Treasurer to the afores$^{d}$ assessors to the Contrary Notwithstanding The Lawfull proportions of the pay of the Representative of s$^{d}$ Groton and the s$^{d}$ Districts Joined with It for the last year are as follows viz

| | | | |
|---|---|---|---|
| Total . . . | £23: 0: 0 | Groton's . . . . | £15: 15: 3: 3 |
| | | Shirley's . . . . | 2: 3: 11: 0 |
| | | Peperrel's . . . . | 5: 0: 9: 1 |

The Lawfull Parts and proportions of the pay of the Representa-

tive of Northampton & Southampton for y^e^ last year is as follows viz

| | | | |
|---|---|---|---|
| Total . . . | £31: 4: 0 | Northampton . . . | £25: 19: 2: 2 |
| | | Southampton . . . | £5: 4: 9: 2 |

To which rates and proportions s^d^ Treasurer is required to Conform his Warrants afores^d^. [*Passed November 5.*

## CHAPTER 100.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF MARG^T^ ELIOT FOR A NEW TRIAL OF AN ACTION.

A Petition of Margaret Elliot of Holiston, shewing that by Reason of Hurt received by a Fall from her Horse, she was prevented from attending at the Court held at Concord in August 1753, to defend an Action commenced against her by Nathaniel Sheffield, which Action went against her by Default; praying that she may have a new Trial thereof, & therein be allowed to bring her Account against the said Sheffields Account, & Execution be staid in the mean time.

Legislative Records of the Council, xx., 303. Mass. Archives, xliv., 148.

Mass. Archives, xliv., 142–149. House Journal, p. 92.

Read &

*Ordered* that the Petitioner serve the adverse Party Nathaniel Sheffield with a Copy of this Petition, that he shew Cause, (if any he have) on the first Fryday of the next Sitting of this Court why the Prayer thereof should not be granted, & that Execution be staid in the mean time. [*Passed November 5.*

## CHAPTER 101.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED TO SELL PROV^CE^ LAND BETWEEN NORTHAMPTON AND PONTOOSUCK.

The Committee appointed by the Great & General Court the 9^th^ of January 1754, for selling Eight hundred Acres of the Province Land lying on the Road leading from Northampton to Pontoosuck in two equal Allotments to such as will give most for the same, on Conditions for building Houses, bringing to Lands &c^a^ After giving publick Notice of the Time & Place of Sale attended said Service at Springfield in August 1754, & have sold the same at publick Vendue to the highest Bidder, viz^t^ To Mess^rs^ Oliver Patridge, David Ingersol John Ashley Esq^rs^ & M^r^ Moses Graves for two shillings & ten pence per Acre, and have taken Bonds for the fulfillment of the Conditions, and for the Payment of the Money to the Province Treasury, & returned them to him, excepting Three Pounds, which was paid down, & disposed of as follows, viz^t^ To the Committee for their Time & Expences Thirty six shillings, & to Oliver Patridge Esq^r^ in part of the Fifty shillings granted him by the Court for the surveying & returning a Plan of said Lands twenty four shillings,

Legislative Records of the Council, xx., 303. Mass. Archives, xlvi., 371.

House Journal, p. 88. *Ante*, p. 102, chap. 240.

In the Name & by Order of the Committee,

Elea: Porter.

Read & Accepted. [*Passed November 5.*

## CHAPTER 102.

ORDER IMPOWERING ABIEL STEVENS, ADM^R, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 303. Mass. Archives, xix., 191.

Mass. Archives, xix., 190, 192. House Journal, pp. 65, 88, 89. Province Laws, ii., 151, chap. 10.

A PETITION of Abiel Stevens Administrator of the Estate of his Brother David Stevens late of Andover dec^d shewing that the Personal Estate is insufficient to pay the Debts, and the real Estate very small & not capable of a Division, and therefore Praying that he may be impowered to sell the whole of the said Estate, for the Payment of the Debts &c^a

Read &

*Ordered* that the prayer of the petition be granted and that the petitioner in S^d Capacity be & hereby is impowered to make Sale of the real Estate mentioned in the pet^n to such person or persons as will give most for the same and to Execute a good Deed or Deeds of Conveyance thereof he giving publick notice of the time & place of Sale Agreeable to the directions of the Law on the Sale of Intestate Estates by Administrators he giving Caution to the Judge of Probates for the County of Essex that the Overplus Arising by S^d Sale (after the Just Debts of the Dec^d are paid) be Secured & improved to the Advantage of S^d Deceaseds Children. [*Passed November 5.*

## CHAPTER 103.

VOTE ALLOWING JOHN HILL, ESQ^R, & OTHERS, FURTHER TIME TO COMPLETE SETTLEMENT OF A TOWNSHIP.

Legislative Records of the Council, xx., 302. Mass. Archives, cxvi., 636.

Mass. Archives, cxvi., 635. House Journal, pp. 25, 81, 93. Province Laws, xii., 252, chap. 288; xiv., 705, chap. 184.

A PETITION of John Hill Esq^r & others in behalf of the Proprietors of a Township near North Yarmouth granted to Jonathan Powers &c^a setting forth the unavoidable Difficulties they have met with in settling the said Township within the Time limitted in their Grant, And therefore Praying for some further Indulgence in that Respect.

Read &

*Voted* that the pet^rs & Others in whose behalf they petition be Allowed a further time not exceeding one year to compleat the settlement of the Township in the petition the order of this Court in April 1753 Notwithstanding. [*Passed November 6.*[1]

## CHAPTER 104.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PET^N OF DIVERS INHAB^TS OF FALL TOWN.

Legislative Records of the Council, xx., 304. Mass. Archives, cxvi., 425.

Mass. Archives, cxvi., 424.

REPORT OF THE COMMITTEE on the Petition of sundry Inhab^ts of Fall Town. We the Subscribers together with the Hon^ble Eleazer Porter Esq^rs being appointed a Committee by the Great & General Court at their Session January 4. 1754, to consider the Petition of sundry of the Inhabitants of Fall Town, On the 20^th day of August 1754, met with a Committee of said Proprietors

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 5.

and took under Consideration the several Matters therein contained; and beg leave to report as follows,

That the present Treasurer of said Fall Town Proprietors, Ebenezer Shelden jun$^{r}$ or such other Person as said Proprietors may appoint be fully authorized & impowered to require all the Collectors that have heretofore been chosen by said Proprietors (and have not fully accounted & paid in the several Assessments to them committed to collect) forthwith to account & pay in the same to the said Treasurer, or such other Person as may be appointed as aforesaid; and in Case any such Neglect or Refuse to prosecute such Person or Persons in due Form of Law for the Recovery thereof, and particularly an Assessment of Twenty two Pounds old Tenor, each Right.

Legislative Records of the Council, xx., 138, 148. House Journal, p. 95. Province Laws, xii., 55, chap. 111; xiii., 34, chap. 51. *Ante*, p. 50, chap. 109.

And that said Proprietors be fully impowered to raise & levy such Taxes on said Proprietors as they shall judge necessary for providing Preaching for said Proprietors, untill they shall settle a Minister, and that the said Proprietors be impowered & authorized at a Meeting warned for that Purpose, to call some suitable Person to settle in the Ministry in said Township, and grant him suitable Encouragement therefor; And also for raising & levying such other Taxes from time to time as said Proprietors may judge necessary for carrying on of the Affairs of said Township; and that all Taxes that shall be raised by the said Proprietors untill the further Order of the General Court, be raised in Manner following, viz$^{t}$ Upon the several Allotments of Land laid out to said Proprietors in the first Grant of said Township, together with Fayrweathers Farm, So called, containing Five hundred Acres and also upon the two Rights, granted to the two Proprietors, admitted when the additional Grant was made, which is called the Gore, together also with such other Lots, as may hereafter be laid out, either in the Original Grant or the Gore, and upon them so soon as they are laid out upon all the said Lands, each Acre an equal Part, saving only the Ministry & School Lots, & the Lands formerly in said Original Grants, & now cut off by the New Hampshire Line, not to be accounted to belong to said Lots or taxed; And the Committee further report that upon Examination they find that the Conditions of Settlement have been performed upon the following Lots or Rights in said Township viz$^{t}$ N° 1. 2. 4. 5. 6. 8. 9. 10. 11. 13. 16. 18. 22. 23. 25. 27. 29. 31. 33. 35. 37. 47. 50. 62. 67. 70. 81. 89. In the whole twenty eight: And having examined the Proprietors Records, and their various Votes respecting the Settlement of said Township, are of Opinion, that the Proprietors of the following Rights be enjoined to make Settlement upon the same forthwith; viz$^{t}$ N° 3. 12. 14. 15. 17. 19. 21. 24. 30. 32. 36. 39. 40. 41. 42. 43. 45. 46. 48. 49. 55. 61. 69. 71. 76. 80. 82. 87. 88. 92. 98. 100; and in Case of Failure they be disposed of as the Court shall order; And the Comm$^{tee}$ are further of Opinion that inasmuch as Sixty Proprietors only were obliged by Act of the Court, to settle in said Township; and it appearing by the said Proprietors Votes, that they have agreed that the Sixty Proprietors who shall actually perform the Conditions of Settlement shall receive out of their Treasury, each Twenty two Pounds Old Tenor, the Committee judge it reasonable they receive the same accordingly. All which is humbly Submitted

Per Oliver Patridge.
Elijah Williams.

Read and
*Ordered* that this Report be Accepted. [*Passed November 6.*

## CHAPTER 105.

VOTE GRANTING NATH[L] ALLEN FURTHER TIME FOR THE SETTLEMENT OF A TOWNSHIP.

Legislative Records of the Council, xx., 305. Mass. Archives, cxvi., 728.

Mass. Archives, cxvi., 727. House Journal, p. 141 (April, 1753); pp. 84, 93. Province Laws, xii., 391, chap. 70; xiv., 705, chap. 184.

A PETITION of Nathaniel Allen for himself & others, Grantees of a new Township on the Eastern Frontiers, shewing that the said Grantees have been at great Cost & Labour to bring forward the Settlement of the said Town, commonly called New Glocester, according to the Conditions of their Grant, but have been greatly obstructed by the Hostillities & Threats of the Indians, Therefore Praying for some further Time to be allowed to perform the Conditions of said Grant,

Read &

*Voted* that the pet[r] & others in whose behalf he petitioneth be Allowed a further time not Exceeding one Year from this time to Compleat the Settlement of the township mentioned in the pet[n] the Order of this Court in April 1753 Notwithstanding. [*Passed November 6.*

## CHAPTER 106.

ORDER GRANTING TO JOHN WHITE LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 305. Mass. Archives, cxi., 323.

Mass. Archives, cxi., 323. House Journal, p. 95.

A PETITION of John White of Wenham, shewing that the Select Men of Beverly have signified their Approbation of his Keeping Tavern in the said Town, in a House formerly improved for that Business, Praying that the Court of General Sessions of the Peace for the County of Essex, may be impowered to grant the Pet[r] a Licence at their next Term:

Read &

*Ordered* that the prayer of the pet[n] be so far granted as that the Justices of the Court of General sessions of the peace for the County of Essex at their Next term are impowered (if they think fit) to Licence the petitioner to Keep a house of publick Entertainment in the Town of Beverly in the House where Ebenezer Ellenhood[1] now keeps a Tavern provided the pet[r] Obtain the Approbation of the select men of the Town of Beverly the time for granting of Licences being elapsed Notwithstanding. [*Passed November 6.*

## CHAPTER 107.

ORDER IMPOWERING JOSEPH LYNDE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 306. Mass. Archives, xix., 225.

Mass. Archives, xix., 224. House Journal, p. 94.

A PETITION of Joseph Lynde; Guardian of Thomas Tuft, a Person Non Compos Mentis, shewing that the Petitioner has been obliged to sell divers Peices of the said Tho[s] Tuft's Land for his Support; and for as much as the selling of the said Lands in little Parcells, would be very detrimental to the said Thomas's Interest, and his Bretheren having express'd their Willingness to have the whole of his Land sold & turned into Money & the Interest applied

[1] Both copies of Legislative Records of the Council read, "Ellenwood."

for his Support, Praying that this Court would impower the Petitioner to sell the said Lands accordingly. Province Laws, ii., 151, chap. 10.

Read, &

*Order'd* that the Prayer of this Petition be granted, & that the Petitioner (in his said Capacity as Guardian) be & he is hereby authorized & impower'd to make Sale of the Real Estate of the said non compos Person yet remaining unsold, & to execute a good & sufficient Deed or Deeds of Conveyance thereof to such Person or Persons as shall give most for the same: previous publick notice being given of the intended sale in manner as by Law is prescribed touching the sale of Real Estates by Executors or Administrators: The Proceeds of such sale to be applyed as need may require for the Support of the Non compos Person, & for discharging his just Debts; and so much thereof as may be to be put out at Interest for his Benefit: Provided due Caution be first given to the Judge of Probate for the County of middlesex that the said Proceeds be duly applyed & improv'd as aforesaid & that said Guardian be accountable to the said Judge for his Proceedings in the Premises. [*Passed November 6.*

## CHAPTER 108.

ORDER IMPOWERING MARGARET GROSS, ADMX, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Abigail[1] Gross Administratrix of the Estate of Obadiah Gross late of Hingham dec[d] shewing that the Personal Estate is insufficient to pay the Debts, and the Real Estate very small, Praying that she may be impowered to sell the whole of the Real Estate, saving the Widows Use therein, she to be accountable for the rest. Legislative Records of the Council, xx., 306. Mass. Archives, xlx., 227. Mass. Archives, xix., 226. House Journal, pp. 78, 97. Province Laws, ii., 151, chap. 10.

Read &

*Ordered* that the pet[r] in her Capacity be & hereby is fully. Authorized & Impowered to make Sale of the buildings & Land mentioned in the petition for the Most the Same will Fetch & to make & execute a good Deed or Deeds of the Same She Observing the directions of the Law Respecting the sale of Real Estates provided also she give sufficient Caution to the Judge of Probate for the County of Suffolk that the overplus money Arising by S[d] Sale (after the Just debts owing from S[d] Estate are paid) be distributed to & among the Children & Legal representatives of her late Husband Obadiah Gross Dec[d] According to Law two thirds thereof Upon the settlement of S[d] Estate & the other third at her Decease. [*Passed November 7.*[2]

## CHAPTER 109.

RESOLVE CONSTRUING AN ORDER IMPOWERING BENJN PORTER TO COLLECT TAXES.

Whereas The Gen[l] Court In June 1750 Upon the Pet[n] of the Rev[d] M[r] John Rogers ordered & Impowered M[r] Benj[a] Porter to Collect an Assessment Referr'd to in s[d] Pet[n] And in Oct[o] Then Next Legislative Records of the Council, xx., 307. Mass.

[1] Mass. Archives, xix., 226, reads, "Margaret."

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is November 6.

Archives, xiii., 517.

Mass. Archives, xiii., 516. House Journal, p. 97. Province Laws, xiv., 425, chap. 42; 486, chap. 200.

Following further Explained The s[d] Orders, But Some Doubt has Arisen and may arise Whether The s[d] Order Included a Power to y[e] s[d] Porter to make Distress on the Goods or Chattles of Any person or persons named In s[d] assessment Upon their Neglect or Refusal to pay The Sum or Sums They are assesed Therein

*Resolved* That s[d] Power was by s[d] Orders Intended to be Given to s[d] Porter And That It ought so to be Understood & Construed. *November 7.*

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## CHAPTER 110.

ORDER ALLOWING THE ACCOUNT OF JOSEPH RICHARDS, ESQ[R].

Legislative Records of the Council, xx., 308.

House Journal, pp. 93, 95.

A MEMORIAL of Joseph Richards Esq[r] Physician (with an Account of Medicines & Attendance on the Sick & Wounded among the Puncapaug Indians), Praying that this Court would give Order for the Discharge of the said Accompt;

Read &

*Ordered* that the Petitioner be allowed the Sum of Eight Pounds six shillings out of the Money belonging to the Puncapaug Indians, in the hands of Col[o] Samuel Miller in full Discharge of the Account mentioned in the Petition. [*Passed November 7.*

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## CHAPTER 111.

ORDER IMPOWERING HANNAH WHITON, ADM[X], TO SELL HER PORTION OF AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 308. Mass. Archives, xix., 189.

Mass. Archives, xix., 188. House Journal, pp. 62, 63, 95. Province Laws, ii., 151, chap. 10.

A PETITION of Hannah Whiton Administ[x] of the Estate of Jonathan Whiton late of Hingham Dec[d] shewing that all the real Estate of the said Dec[d] has been already sold for Payment of the Debts, saving the Petitioners Thirds; and for as much as there are Debts still remaining unpaid. The Petitioner being willing, Praying that she may be enabled by this Court to sell the Remainder of the Real Estate for Payment of the Debts as aforesaid,

Read &

*Ordered* that the prayer of the petition be granted & that the pet[r] in her Capacity be & hereby is enabled to make Sale of her thirds of the premisses mentioned in the petition to such person or persons as shall give most for the same & to execute a good & Sufficient Deed or Deeds in the Law for Conveying the Same She Observing the directions of the Law for the Sale of Intestate Estates & giving sufficent Caution to the Judge of Probates for the County of Suffolk that the Overplus Coming by Said Sale (if any be) besides the paying the Intestates Just debts Shall return to the heirs of the S[d] Intestate at the Decease of the petitioner. [*Passed November 7.*

## CHAPTER 112.

ORDER IMPOWERING PHILLIP GODFREY KAST, GUARDIAN, TO JOIN IN THE SALE OF AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of John Procter & others, Heirs & Descendents of Edw[d] Procter late of Boston, Taylor Dec[d] shewing that they are possess'd of a Messuage & Land, situate in the Northern Part of Boston, abutting upon Prince Street, which cannot be divided among all the Heirs, nor sold without the Aid of this Court, therefore Praying that Phillip Godfrey Kast, Guardian to his Son Thomas Kast (a Minor & one of the Heirs) may be impowered to join with the rest of the Petitioners in the Sale of said House & Land.

Legislative Records of the Council, xx., 309. Mass. Archives, xix., 219.

Mass. Archives, xix., 217. House Journal, pp. 62, 97, 98. Province Laws, ii., 151, chap. 10; xiv., 632, chap. 5.

Read &

*Ordered* that the prayer of the Petition be so far granted that Philip Godfrid Kast one of the petitioners in his Capacity of Guardian to his Son Thomas Kast be & hereby is enabled & impowered to join with the other petitioners in the Sale of the premisses within mentioned the S[d] Philip to Observe the directions in the Law for the Sale of Real Estates & give sufficient Caution to the Judge of Probate for the County of Suffolk that his Sons Shares in the proceeds of Said Sale both principal & Interest be paid to him or his Legal Representative when he shall arrive at twenty one Years of Age excepting so much as shall be Necessarily expended on the Said Thomas Kast in his Minority & be Allowed by the Judge of Probate for Said County. [*Passed November 7.*

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## CHAPTER 113.

ORDER IMPOWERING JN[o] CALEF TO ENTER AN APPEAL.

A Petition of John Calif of Ipswich, shewing that by Reason of his being at the Eastward in the publick Service, & his Attorneys Mistake he lost his Time for prosecuting his Appeal from a Decree of the Judge of Probate for the County of Essex pass'd on the Accompts of the Executors of his Fathers last Will & Testament, Praying that he may now be enabled to file his Reasons of Appeal, & prosecute his Appeal accordingly.

Legislative Records of the Council, xx., 292. Mass. Archives, xix., 211.

Mass. Archives, xix., 209. Legislative Records of the Council, xx., 310. House Journal, pp. 76, 99. *Ante*, p. 148, chap. 34S.

Read together with the Answer of Joseph Calef & Sarah Staniford, & thereupon

*Ordered* that the Pet[r] be & hereby is allowed & fully impowered to file his Reasons of Appeal in the Register of Probates Office for the County of Essex, & to give Bond for prosecuting the same to Effect, the Time limited by Law being elapsed notwithstanding, Provided the said Appeal be presented for an Hearing & Determination to the Gov[r] & Council on or before the 13[th] Instant & not otherwise. [*Passed November 8.*

## CHAPTER 114.

ORDER ALLOWING £3 TO JN° HOOKER.

Legislative Records of the Council, xx., 310. Mass. Archives, lxxiv., 248.

A PETITION of John Hooker of Fall Town, shewing that he was a Soldier in the Expedition against Cape Breton, & was there grievously burnt, Praying that he may be allowed Wages for the Time he lay ill at Boston.

Mass. Archives, lxxiv., 248. House Journal, pp. 91, 100.

Read &

*Ordered* that there be Allowed & paid out of the publick Treasury the Sum of Three pounds to Oliver Partridge Esq^r^ & by him to be paid to the pet^r^ John Hooker in full of his Service & sufferings mentioned in the petition. [*Passed November 9.*

## CHAPTER 115.

ORDER IMPOWERING JUDITH RICHARDSON, ADM^X^, TO SELL AN ESTATE.

Legislative Records of the Council, xx., 310. Mass. Archives, xix., 221.

A PETITION of Judith Richardson Administ^x^ of the Estate of Josiah Richardson of Tewksbury Dec^d^, Praying for Reasons particularly mentioned in the Petition to be impowered to sell twenty Acres of the Deceased's Land lying in Tewksbury;

Mass. Archives, xix., 220. House Journal, pp. 76, 99. Province Laws, ii., 151, chap. 10.

Read &

*Ordered* that the prayer of the petition be granted & that the pet^r^ in her Capacity of Administratrix to the Estate of Josiah Richardson Dec^d^ be & hereby is impowered to make Sale of the twenty Acres of Land (Mentioned in the petition) Lying in Tewksbury to Such person as Shall give most for the Same she to be Accountable to the Judge of Probate for the County of Middlesex for the Overplus coming by Said Sale (if any be) besides the paying for the Said two Shares which She hath purchased & Conveyed to the heirs of the Said Josiah Richardson Dec^d^. [*Passed November 9.*

## CHAPTER 116.

ORDER IMPOWERING CAP^T^ ELISHA CHAPIN TO MAKE UP HIS MUSTER ROLL.

Legislative Records of the Council, xx., 311. Mass. Archives, lxxiv., 255.

A PETITION of Capt Elisha Chapin, setting forth that, by reason of the late Attack of the Indians upon the Western Frontiers the Garrison at Fort Massachusetts has, by His Excellency's Orders been strengthned with new Recruits, which required more Officers than before, therefore Praying that this Court would order an Establishment of the said Garrison, that the Petitioner may have a Rule for making up his Muster Roll,

Mass. Archives, lxxiv., 254. Legislative Records of the Council, xx., 65, 152, 261. House Journal, pp. 89, 98. *Ante*, p. 181, chap. 30; p. 183, chap. 36.

[Read &]

*Ordered* that the prayer of the petition be so far granted that the petitioner be Allowed to make up his Roll with the like Number of Officers as are Allowed at Georges Fort & that S^d^ Officers be paid at y^e^ Same rate. [*Passed November 9.*[1]

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 11.

## CHAPTER 117.

VOTE IN REGARD TO THE PRESENTS TO THE INDNS.

Legislative Records of the Council, xx., 312. Mass. Archives, xxxii., 566.

*Voted* that his Excellency be desired to order the whole or any part of the Presents intended for the Penobscot and Norridgwalk Indians to be delivered or the delivery thereof to be suspended according as it shall appear to him will be most for the publick Service. [*Passed November 12.*

Mass. Archives, xxxii., 565. House Journal, pp. 104, 105. *Ante*, p. 198, chap. 79.

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## CHAPTER 118.

VOTE REQUESTING THE CAPTAIN GENERAL TO ENLIST OR IMPRESS RECRUITS FOR TACONICK (FORT HALIFAX).

Legislative Records of the Council, xx., 312. Mass. Archives, lxxiv., 266.

*Voted* that his Excellency the Captain General be desired (as soon as may be) to give orders that Thirty Effective men be inlisted or impressed in order to reinforce the Garrison at Taconock on Kenebeck River. [*Passed November 12.*

Legislative Records of the Council, xx., 273, 307. House Journal, p. 104.

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## CHAPTER 119.

ORDER IMPOWERING MARY BURLEIGH, A MINOR, TO EXECUTE A DEED.

A Petition of Mary Burleigh of Ipswich a Minor of Nineteen Years of Age, and John Crocker her Guardian, shewing the great Advantage that will accrue to her in selling her Part of the Farm, called Howlets Farm, and praying for Liberty to sell the said Land accordingly;

Legislative Records of the Council, xx., 282. Mass. Archives, xix., 183.

Read and

*Ordered* that this Report be and hereby is Accepted and the within named Mary, on her Brother Andrew's paying her the Sum of One hundred forty six Pds thirteen shillgs & 4d is allowed and impowered to execute to him a Quit Claim of her Right in the Estate within mentioned and that the said Instrument be a good Title of the Premisses to the said Andrew his Heirs and Assigns forever. [*Passed November 12.*

Mass. Archives, xix., 180. Legislative Records of the Council, xx., 312. House Journal, pp. 60, 105.

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## CHAPTER 120.

ORDER FOR PROVIDG SNOW SHOES & MOCCASINS FOR GARRISON AT TACONICK (FORT HALIFAX).

Legislative Records of the Council, xx., 312. Mass. Archives, lxxiv., 267.

*Ordered* that the Commissary General be directed to provide one hundred pair of Snow Shoes & as many pair of Mogasons and Lodge the Same at the Garrison at Taconick for the Use of the Soldiers that may be from time to time posted there. [*Passed November 12.*

House Journal, p. 104. *Supra*, chap. 118.

## CHAPTER 121.

VOTE ALLOWING FURTHER TIME TO COMPLETE THE SETTLEMENT OF GARDNER CANADA TOWNSHIP.

Legislative Records of the Council, xx., 313. Mass. Archives, cxvi., 743.

Mass. Archives, cxvi., 741. House Journal, p. 141 (April, 1753); pp. 84, 104. Province Laws, xii., 273, chap. 31; xiv., 705, chap. 184.

A PETITION of Ebenezer Peirpoint & Samuel Stevens a Committee of the Proprietors of a new Township, commonly called Gardner Canada Township [1] setting forth the Difficulties they have been under which have obstructed the Performance of the Conditions of the Grant, within the Time limitted, Praying that the Court would indulge them with some further time.

Read &

*Voted* that the pet[rs] & other proprieters of the within mentioned Township be Allowed a further time Not exceeding one Year from this date to compleat the Settlement thereof the Order of this Court in April 1753 to the Contrary Notwithstanding. [*Passed November 12.*

## CHAPTER 122.

ORDER ALLOWING £9. 1. 4 TO EBENEZER WILKINS.

Legislative Records of the Council, xx., 313. Mass. Archives, lxxiv., 231.

Mass. Archives, lxxiv., 231. House Journal, pp. 83, 84, 105.

A PETITION of Ebenezer Wilkins a Soldier in the late Expedition upon Kennebeck River, Praying that he may be allowed out of the publick Treasury, the Charges of his Sickness contracted in the said Service,

Read &

*Ordered* that the prayer of the pet[n] be So far granted as that the pet[r] be Allowed & paid out of the publick Treasury the Sum of Nine pounds one shilling & four pence in full for his Expences &c. [*Passed November 12.*

## CHAPTER 123.

ORDER WITH STAY OF EXECUTION ON THE PETITION OF ANTHONY LONEY IN REGARD TO A JUDGMENT.

Legislative Records of the Council, xx., 286. Mass. Archives, xliv., 58.

Mass. Archives, xliv., 56. Legislative Records of the Council, xx., 314. House Journal, pp. 64, 107.

A PETITION of Anthoney Loney of Ipswich, shewing that he became bound to Margaret Perkins for the Payment of £100, borrowed of her, which he has satisfied by Money paid and Labour done for her, that the said Margaret is since dead, that her Executor Benjamin Dutch not acknowledging the said Payments has sued the Petitioner upon the said Bond, & recovered Judgment against him, and he has sued the said Executor upon the Articles, for which he ought to have Credit, Therefore Praying that Execution against the Pet[r] may be stayed untill the final Issue of his Actions against the said Executor;

Read, &

*Order'd* that the Prayer of this Petition be so far granted, as that the Execution therein mentioned be stayed, untill Judgment be rendred upon the Review of the two Actions brought by the Petitioner against the Executor Benjamin Dutch

Provided the said Petitioner give sufficient Security to the sheriff

[1] This township afterwards became Warwick, Mass.

of the County of Essex to pay the Sum recover'd against him by the said Executor (together with double Interest therefor) untill final Judgment shall be rendred on the actions aforesaid: said Interest to commence from the time when he recover'd Judgment against s[d] Executor at the Superiour Court held in Salem in October last. [*Passed November 13.*

## CHAPTER 124.

ORDER IMPOWERING MARY BELKNAP, ADM[X], TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Mary Belknap, Widow of Abraham Belknap of Natick Dec[d] setting forth the Disadvantages his Real Estate is under; & that it would be much for the Childrens Benefit, to have the same sold, Therefore praying that as Administratrix of said Estate She may be enabled to sell said Estate;

Legislative Records of the Council, xx., 314. Mass. Archives, xix., 195.

Read and

*Ordered* that the prayer of the Petition be granted & that the Petitioner in her Capacity be & hereby is impowered with the Advice & Consent of the Guardian within Mentioned to make Sale of the Lands & buildings Mentioned in this Petition for the Most they will fetch to such person or persons as shall Appear to purchase the Same & to Execute a good & sufficient Deed or Deeds thereof in the Law She Observing the rules of the Law for the Sales of Intestate Estates She also giving proper Caution to the Judge of Probate for the County of Middlesex to pay the Debts Mentioned in the petition And two thirds of what Shall remain to be put into the Hands of the Guardian of the Children within mentioned for their Use & benefit And the principal of the other third to be secured for S[d] Children or their Lawfull heirs after the Decease of the petitioner & She to receive the Interest of S[d] Third in Lieu of her Dower during her life. [*Passed November 13.*

Mass. Archives, xix., 194. House Journal, pp. 54, 106. Province Laws, ii., 151, chap. 10.

## CHAPTER 125.

ORDER IMPOWERING EBENEZER CONVERSE, ADM[R], TO SELL REAL ESTATE.

A Petition of Ebenezer Converse, Administrator of the Estate of James Converse late of Woburn dec[d] shewing that there are considerable Debts to be paid out of the Real Estate; and that it would be most for the Benefit of the Heir, (who is a Minor) to have the whole sold, Praying for Power to sell the said Real Estate accordingly.

Legislative Records of the Council, xx., 318. Mass. Archives, xix., 200.

Read &

*Ordered* that the prayer of the petition be granted And that the pet[r] in his Capacity of Administrator be & hereby is impowered to make Sale of all the Real Estate that James Converse within mentioned died Seized of he attending the directions of the Law respecting the sale of Intestate Estates & to Execute in due form of Law A good & sufficient Deed or Deeds thereof to such person or persons as shall give most for the same he giving sufficient Caution to the

Mass. Archives, xix., 199, 201. House Journal, pp. 82, 89. Province Laws, ii., 151, chap. 10.

Judge of Probate for the County of Middlesex to Account for the produce of the premisses & dispose of the Same According to Law. [*Passed November 13.*[1]

## CHAPTER 126.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED FOR BURNING GOVERNMT SECURITIES, PROVINCE BILLS, &cA.

Legislative Records of the Council, xx., 315. Mass. Archives, ciii., 259.

Mass. Archives, ciii., 258. House Journal, pp. 108, 109. *Ante*, p. 178, chap. 23.

BOSTON September 6, 1754; Received of Mr Treasurer Gray Five hundred & thirty one Government Securities, redeemable the twentieth of January last; Amounting to Five Thousand thirty four Pounds seven shillings & ten pence; The Interest thereon Four hundred & forty Pounds three shillings, making in the whole Five Thousand four hundred & seventy four Pounds, ten Shillings & ten pence; Also Government Securities redeemable the thirty first of December 1751, Amounting to One hundred forty six Pounds, fifteen Shillings & Six pence; The Interest paid thereon, Twenty eight Pounds, fourteen shillings & eight pence; making in the whole One hundred seventy five Pounds, ten shillings & two pence; Also, Seven Benefit Tickets with Interest, Fifteen Pounds fifteen Shillings; Also Nineteen hundred & fifty nine Pounds, eleven shillings & six pence in Old Tenor Bills, and Two hundred Forty four Pounds twelve Shillings in Middle Tenor Bills, and Four Thousand five hundred & fifty seven Pounds, nineteen shillings & eight pence in last Emission Money, & Forty one Pounds nine shillings & four pence in Lawful Money Bills, amounts to Two Thousand eight hundred sixty four Pounds two shillings & five pence; Which we have seen burnt & consumed to Ashes,

(Sign'd) JOHN OSBORNE per Order.

Read Accepted &

*Ordered* that Mr Treasurer Gray be discharged the Several Sums within mentioned. [*Passed November 14.*

## CHAPTER 127.

ORDER IMPOWERING SAML MORSE, GUARDIAN, TO SELL LAND.

Legislative Records of the Council, xx., 316. Mass. Archives, xxxii., 564.

Mass. Archives, xxxii., 563. House Journal, pp. 101, 108. *Ante*, p. 110, chap. 256.

A PETITION of Samuel Morse, Guardian of an Indian Child, belonging to Natick, named Sarah Wabon, shewing that he has been already put to considerable Charge for her Support, & likely to be at more, Therefore Praying that he may be impowered by this Court to sell so much of the said Child's Land in Natick, as will defray the Charge of her Support;

Read &

*Ordered* that the prayer of the Petition be so far granted that the Petr be & hereby is fully Impowered in sd Capacity with the Advice & Consent of the Guardians of the Natick Indians to Sell so much of the Land belonging to the Indian Child within mentioned as will be sufficient to discharge the Petr his expences for

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 15.

the Support of S[d] Child to this time And to give a good & sufficient Deed or Deeds of the Same to Such person or persons as are the purchasers. [*Passed November 14.*

## CHAPTER 128.

ORDER ALLOWING £2. 6. 9 TO THE TOWN OF BEVERLY.

Legislative Records of the Council, xx., 316. Mass. Archives, xlix., 408.

It appearing by a Certificate from the Province Treasurer that the Town of Beverly are overcharged in the last Tax Act for their Representatives pay the Sum of two pounds six shillings & nine pence

Mass. Archives, xlix., 407. House Journal, p. 109. Province Laws, iii., 818, note.

*Ordered* that the s[d] Sum be paid by the province Treasurer to the Treasurer of the town of Beverly. [*Passed November 15.*[1]

## CHAPTER 129.

ORDER GRANTING LICENCES TO DIVERS PERSONS AS INNHOLDERS & RETAILERS.

Legislative Records of the Council, xx., 316. Mass. Archives, cxi., 320.

A Petition of Mary Bill, Thomas Child & Jonathan Dwight of Boston, John Grayton of Roxbury, Giles Tidmarsh of Hull, & Daniel Hewes of Wrentham, Persons who have been licenced to retail strong Drink in the said several Towns, shewing that thrô Mistake they omitted renewing their Licences, at the Court of General Sessions of the Peace held at Boston, in July last, Praying that the said Court may be impowered to renew their several Licences, at their next Meeting.

Mass. Archives, cxi., 318. House Journal, pp. 80, 110.

Read &

*Ordered* that the prayer of the pet[n] be So far granted that the Justices of the Court of General sessions of the peace for the County of suffolk be impowered (if they See fit) to Licence the within named Mary & Jonathan Inholders in the town of Boston & the S[d] Thomas a retailer in S[d] Town the S[d] Giles a retailer in Hull and the S[d] Dan[l] an Inholder in Wrentham they severally Obtaining the Approbation of the selectmen of the towns to which they belong the time for granting of Licences being elapsed Notwithstanding. [*Passed November 15.*

## CHAPTER 130.

ORDER ALLOWING £6 TO ELIPH. CARY.

Legislative Records of the Council, xx., 317. Mass. Archives, lxxiv., 261.

A Petition of Eliphalet Cary of Bridgwater; shewing that he enlisted as a Soldier in the late Expedition upon Kennebeck River, And that he was left Sick at the Castle, Praying that the Charges of a Doctor & Nurse in his said Sickness may be paid out of the publick Treasury,

House Journal, pp. 84, 109, 110.

Read &

*Ordered* that the prayer of the Petition be So far granted as that

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 14.

the pet$^{r}$ be Allowed & paid out of the Publick Treasury the sum of Six pounds Viz four pounds for the Docters Bill & Two pounds for Nursing & other Charges mentioned in the petition. [*Passed November 15.*

## CHAPTER 131.

ORDER ALLOWING £3 ANNUALLY TO BENJ$^{A}$ POMROY.

Legislative Records of the Council, xx., 318. Mass. Archives, lxxiv., 218.

A PETITION of Benjamin Pomroy a Soldier in the late Expedition against Cape Breton, Praying to be allowed a Pension, in consideration of his Disability by means of Sickness contracted, during his being in that Service;

Mass. Archives, lxxiv., 218; lxxvii., 256. House Journal, pp. 77, 111.

Read &

*Ordered* that the prayer of the pet$^{n}$ be so far granted as that the petitioner be Allowed & paid out of the Publick Treasury the Sum of Three pounds Annually during the pleasure of this Court the first payment to be made to Col Pribble & by him to be paid to the petitioner. [*Passed November 15.*

## CHAPTER 132.

ORDER GRANTING TO ISRAEL RICE LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 318. Mass. Archives, cxi., 325.

A PETITION of Israel Rice of Sudbury, shewing that he lives in a very commodious Place for an Inn for the Benefit of Travellers, & where such a House is wanted, Praying that the Court of General Sessions of the Peace for the County of Middlesex, may be impowered to grant him Licence to keep an Inn or Tavern in said House.

Mass. Archives, cxi., 324. House Journal, p. 110.

Read &

*Ordered* that the prayer of the petition be so far granted as that the Justices of the Court of General sessions of the peace for the County of Middlesex at their Next term be impowered (if they See Cause) to Licence the pet$^{r}$ to be an Inholder in the town of Sudbury he Obtaining the Approbation of the selectmen of s$^{d}$ Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed November 15.*

## CHAPTER 133.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE AFFAIRS OF THE PUNCAPAUG INDIANS.

Legislative Records of the Council, xx., 319. Mass. Archives, xxxii., 570.

REPORT relating to the late Guardians of the Puncapaug Indians, viz$^{t}$

Mass. Archives, xxxii., 567–570. Legislative Records of the Council, xx.,

The Committee to whom was referr'd the Complaint of the Puncapaug Indians against Col$^{o}$ Miller & Major Shepherd, Guardians to said Indians together with the Answer of said Guardians, and also the Petitions of said Guardians, after the Affair had been heard before the General Court in January last, Pursuant to the Order of the Court on the first of June last, having repaired to the Indian

Lands in Stoughton, said to be tresspass'd on, heard the Parties, and carefully examined the Witnesses, produced by them beg leave to report, that it appeared to the Committee, that very great Strip & Waste of Wood & Timber had been made on said Indians Land, since & during the Time of Col° Millers & Major Shepherds Guardianship; That part of said Strip & Waste was made by the Privity & Connivance of one of the Guardians, viz$^{t}$ Major Shepherd; That some of it was done by Major Shepherd himself since his Appointment as Guardian of said Indians,

167, 172, 173, 197, 198, 224. House Journal, pp. 113, 114, 115. *Ante*, p. 103, chap. 241; p. 106, chap. 247; p. 120, chap. 278.

As to another Part of the Complaint against Major Shepherd for his illegal Proceedings as a Justice of the Peace, against Samuel Moho, one of the Puncapaug Indians, The Committee are of Opinion that the said Proceedings of said Justice were altogether without Law, It appearing that the said Justice made & entered up a Judgment against the said Samuel in favour of M$^{r}$ Jordan for £4 old Tenor, Neither Jordan the Plaintiff, nor Samuel the Defendant, nor either of their Attorneys being present at the Time thereof; and althô the Illegality of the Proceeding was observed to Major Shepherd; Upon which he answered, It was no Matter for that, for it should not hurt him, meaning the said Samuel the Defend$^{t}$ yet the said Justice, some time after, viz$^{t}$ when the said Samuel with his Wife & an other of the Puncapaug Indians were held in Goal in Boston, by Virtue of a Mittimus from M$^{r}$ Justice Hill, upon an Affray betwixt said Indians & Major Shepherd (and in which the Com$^{tee}$ are humbly of Opinion the last was the Aggressor), the said Major Shepherd issued out Execution upon the Judgment, enter'd up as aforesaid; and the Committee can't but particularly inform that while the said Samuel with his Wife were held in said Goal, which was the Space of a Month, (during which time the above said Execution was served upon said Samuel), several of their Children being small, two of them were intirely unable to help themselves, one of them about Sixteen Months, the other 2½ Years old, were left in a lonely Wigwam where they must unavoidably have perished, notwithstanding any Relief afforded by Major Shepherd one of their Guardians,

The Committee would further report as to Col° Miller another of the Guardians to said Indians, that it appeared that said Col° Miller is chargeable with Indolence and want of Care in trusting the Interest of said Indians so much to Major Shepherd.

And Whereas the Affair had been heard by a former Committee, & by the General Court, Col° Miller & Major Shepherd prefer'd their Petitions to the General Court in April last; wherein they declared their Innocence as to most of the Articles exhibited against them, and that the Witnesses produced against them on the Trial were perfidious Men, not regarding an Oath, &c$^{a}$ and that they the said Guardians had material & incontestible Evidences in their Favour, they were not furnished with in the hearing of their Cause, and thereupon the General Court appointed, viz$^{t}$ in June last, the present Committee to review & reconsider the whole Affair, betwixt the said Guardians & the said Puncapaug Indians; The Committee beg leave further to observe that in order to discover the Truth, they applied their utmost Care in the Hearing & Examining the Witnesses on both Sides, and it appeared that several of the Witnesses were very unwilling to declare the whole of what they knew in the Matter, and could not be induced to speak freely, thô the Solemnity & Obligation of an Oath were press'd upon them; but it was observable that those Witnesses were on the Part of Major Shepherd, and

that they held back that Part of their Testimony only which made against him; and another Witness informed the Committee, that Endeavours had been used to subborn him by Major Shepherd, Who, among other Things in his Testimony aver'd upon Oath, to the Committee, Major Shepherd being present, "That the said Major Shepherd came to him the Deponent, not long before the Committee was there, & said to him, for Gods Sake stand by me, or I am undone, and sign a Writing that he was faithful and that he had dealt honestly & faithfully as a Guardian," To whom the Deponent replied, "how can you expect I will befriend you, you have been so cruel to me & made me give a Sixteen Pound Note," and He the said Major Shepherd said, the Sixteen Pound Note shall be given up to him," and the Deponent further saith that Major Shepherd added, "But you must keep this very private, you must not tell any Body of it;" And the said Witness further declareth, "That at another Time, viz$^{t}$ the Night before last he the said Major Shepherd said unto me, there are three honourable Gentlemen, a Committee coming up, you must be as sparing as you can in your Speaking before them, be very moderate & keep back what you can, except what's drawn out of you, and tell your Sons to do the same;" Which Circumstances, how surprizing they were to the Committee, and how far from supporting the Facts in Major Shepherds Petition, they need not, as they apprehend observe,

Upon the whole the Evidence against Major Shepherd is no Ways in the Opinion of the Committee, invalidated: Wherefore,

The said Committee are humbly of Opinion, that the said Major Shepherd for his great Unfaithfulness & Breach of Trust, as Guardian to the Puncapaug Indians, the Illegality & Barbarity of his Proceedings as a Justice of the Peace, against some of them, ought by this Court to be mulcted the Sum of Eighty Pounds, immediately to be paid into the Province Treasury, and be rendered uncapable for the future, to sustain the Trust of Guardian to said Indians, or any other Trust or Post of Honour under this Governm$^{t}$ and that a Bill be prepared accordingly,

And as to Col$^{o}$ Miller, Guardian to said Indians, the Committee are humbly of Opinion that for his Indolence & Negligence, his Confession and humbling himself therefor, and herewith exhibited may place him in Favour again with the General Court.

And furthermore, as to the Accompts of Col$^{o}$ Miller, Major Shepherd and Capt Wisswall (Deceased) as Guardians to the Puncapaug Indians, The Committee are of Opinion; they be allowed as they were amended by a former Committee; viz$^{t}$ That Col$^{o}$ Miller Esq$^{r}$ be charged with £1.5.1 (the Ballance of his Accompt) and with the several Bonds, and Promisary Notes therein mentioned; and that John Shepherd Esq$^{r}$ stand charged with £8.18.6 the Ballance of his Accompt, and that there appears due to the Heirs of M$^{r}$ Thomas Wiswall dec$^{d}$ the Sum of Three Pounds six shillings and ten pence half peny, the Ballance in his Favour.

All which is humbly submitted, JOSEPH PYNCHON per Ord$^{r}$

Read and

*Ordered* that this Report be Accepted and that the Committee be directed to prepare a Bill accordingly.[1] [*Passed November 16.*

[1] No bill appears to have been found.

## CHAPTER 134.

ORDER DIRECTING ASSESSORS TO SEND LISTS OF NEGROE SLAVES TO THE SECRETARY.

*Ordered* That the Assesors of the several Towns & Districts within this Province forthwith Send into the secretarys Office the Exact Number of the Negro slaves both Males and females sixteen Years Old & upward that are within their respective towns & districts. [*Passed November 19.*

Legislative Records of the Council, xx., 323. Mass. Archives, ix., 380a.

House Journal, p. 119.

## CHAPTER 135.

ORDER GRANTING TO SARAH FOX LICENCE TO KEEP AN INN.

A Petition of Nathaniel Russell Esq[r] in behalf of Sarah Fox of Littleton, Praying for Reasons particularly mentioned in said Petition, that the Court of General Sessions of the Peace for the County of Middlesex, may be impowered at their next Term to grant the said Sarah Fox a Licence to keep an Inn or Tavern in the said Town,

Read &

*Ordered* that the prayer of the petition be so far granted that the Justices of the Court of General sessions of the peace for the County of Middlesex at their Next term be impowered (if they Judge meet) to Licence the S[d] Sarah Fox to keep a house of publick Entertainment in the town of Littleton She Obtaining the Approbation of the Select men of Said town the time for granting of licences being Elapsed Notwithstanding. [*Passed November 19.*

Legislative Records of the Council, xx., 323. Mass. Archives, cxi., 328.

House Journal, p. 119.

## CHAPTER 136.

ORDER ESTABLISHING THE PAY OF SOLDIERS SENT TO THE RELIEF OF SHEFFIELD, STOCKBRIDGE AND POONTOSUCK.

A Memorial of Israel Ashley, shewing forth that he together with Isaac Colton, were sent by Col[o] Worthington with a Number of Men for the Relief of Stockbridge, at the late Allarm there, Praying that this Court would appoint an Establishment of Wages for the Officers & Soldiers in that Service;

Read &

*Ordered* that the prayer of the Pet[n] be so far granted as that two Captains[1] be Allowed four shillings ℔ day each for man horse &c two Lieutenants three shillings ℔ day & the Common soldiers Two Shillings ℔ day for the Companies that were sent out for the relief of Sheffield Stockbridge & poontosuck in the late Alarm there. [*Passed November 19.*

Legislative Records of the Council, xx., 325. Mass. Archives, lxxiv., 264.

Mass. Archives, lxxiv., 264, 271. Legislative Records of the Council, xx., 322, 323. House Journal, pp. 101, 118.

[1] The House Journal, p. 118, reads, "Companies."

## CHAPTER 137.

ORDER EMPOWERING ELIZABETH NOYCE TO JOIN IN SALE OF LAND.

Legislative Records of the Council, xx., 325. Mass. Archives, xix., 229.

Mass. Archives, xix., 228, 230. House Journal, pp. 108, 118.

A PETITION of Elisabeth Noyce one of the Daughters of Hannah Bradford of Hingham dec[d] shewing that her late Mother by Will, left her Real Estate which consists among other Things of some old Buildings in Boston, and a Parcell of Wood Land in Kingston, to be equally divided among her four Daughters, that the Petitioners three Sisters are desirous to have the said Buildings & Wood Land sold, but the Petitioner herself is restrained from joining with them, by some Words in the Will, Therefore praying that this Court would impower her to join with her Sisters, in the Sale of the said Estate.

Read &

*Ordered* that the prayer of the Petition be granted and that the Petitioner be & hereby is Enable[d] & Impowered to Join with her sisters in the Sale of the Houses & Lands mentioned in the petition and with them to Execute a good & sufficient Deed or Deeds thereof She first giving Caution to the Judge for the County of Plymouth & the Judge of Probate for the County of Suffolk that the monies arising by the Sale of her part be for the benefit of her Children as Mentioned in the Will of her late Mother M[rs] Hannah Bradford. [*Passed November 19.*

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## CHAPTER 138.

ORDER WITH STAY OF EXECUTION ON THE PET[N] OF THE SELECT MEN OF LYN IN REGARD TO HIGHWAYS.

Legislative Records of the Council, xx., 326. Mass. Archives, cxxi., 311.

Mass. Archives, cxxi., 309. House Journal, pp. 112, 113.

A PETITION of Benjamin Newhall in behalf of the Select Men of the Town of Lyn, shewing that the said Select Men were presented to the Court of General Sessions of the Peace for the County of Essex for the Towns not repairing their High ways, and Judgment went against them by Default; and for as much as their absence from the Court, was occasioned by the Attorney General's declaring himself satisfied in the Case, Praying for Relief from this Court.

Read and

*Ordered* that the prayer of the pet[n] be granted & that the Justices of the Court of General Sessions of the peace for the County of Essex at their Next Term be impowered to Consider the presentment within mentioned Anew & that Execution be Stayed Upon the Judgm[t] mentioned in the mean time. [*Passed November 19.*

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## CHAPTER 139.

ORDER ALLOWING THE ACC[T] OF THE TREAS[R] OF BRISTOL COUNTY.

Legislative Records of the Council, xx., 310. Mass. Archives, ccxlviii., 107.

AN ACCOMPT presented by M[r] Robert Lyscomb, Treasurer of the County of Bristol for the last Year, having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed,

Read & it Appearing that the within Accounts are Right cast & well vouched & that there is a Ballance due to Robert Luscombe the Treasurer, of two pounds seven shillings & two pence one farthing & eight fifteenths of a farthing

*Ordered* that there be Allowed & paid out of the County[1] Treasury of the County of Bristol to S^d^ Robert Luscombe the Said Sum. [*Passed November 19.*[2]

House Journal, pp. 9, 99.

## CHAPTER 140.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR SECURING THE FRONTIER TOWARDS HUDSON'S RIVER.

The Committee appointed to consider the State of the Frontiers reported their Opinion, That a Fort be built about half way from Fort Massachusetts to Hudsons River, in the most convenient Place for the Erecting the same; And that a small Block House be built at new Framingham, & that lately built at Pontoosuck be continued, untill further Orders be given respecting the same, and that a Committee be appointed by this Court to view the Western Frontier, at Fall Town, Charlmount, Colrain, New Framingham, Pontoosuck, Stockbridge & Sheffield; The said Committee to provide Materials & Workmen for building the said Fort, & Block House; The Blockhouse at New Framingham not to be built, unless the Committee upon View judge it necessary; and further that the said Committee determine what shall be allowed for the Garrison at Pontoosuck; And the Com^tee^ are further of Opinion that a Sum not exceeding five hundred & thirty Pounds be put into the Hands of the Committee that may be appointed, said Sum to be employed in building said Fort & Block House, and for that already built at Pontoosuck, and the Repairs of the Garrison built heretofore by the Province on said Frontier, and such further Defence there as they may judge absolutely necessary;

(Signed) Jacob Wendell per Order,

Read &

*Ordered* that the foregoing report be Accepted. [*Passed November 20.*[3]

Legislative Records of the Council, xx., 324. Mass. Archives, lxxiv., 272.

Legislative Records of the Council, xx., 311. House Journal, pp. 101, 120. Smith's History of Pittsfield, 1734–1800, pp. 106–108.

## CHAPTER 141.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO THE EASTERN FRONTIERS.

The Committee appointed to consider & report on the State of the Frontiers, further reported their Opinion, that a Committee be appointed by this Court to take a View of the Eastern Frontiers, viz^t^ a new Town above Berwick, Phillips Town, Saco Truck House, Narraganset, Gorham Town, Sabago, New Marblehead, Saparapa, Phillips Town Mills, Brunswick Fort, & Topsham; And that there be put into the Hands of the said Comm^tee^ the Sum of Four hun-

Legislative Records of the Council, xx., 325. Mass. Archives, lxxiv., 273.

House Journal, pp. 101, 121. *Supra*, chap. 140.

[1] The word "County" is underlined in the original.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 8.

[3] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 19.

dred & Seventy Pounds, & by them to be improved in building a Fort at the Ten Miles Falls on Amerescoggin River in Lieu of Brunswick Fort, and for repairing the several Garrisons in the above mentioned Frontier, & for strengthning the same against the common Enemy,

All which is submitted; Per Order JACOB WENDELL.

Read &

*Ordered* that the foregoing report be Accepted. [*Passed November 20.*[1]

## CHAPTER 142.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE FRONT[R] BETWEEN CONNECT[T] & MERRIMACK RIVERS.

Legislative Records of the Council, xx., 324. Mass. Archives, vi., 167.

House Journal, pp. 101, 120. *Supra*, chap. 141.

THE COMMITTEE appointed to view the State of the Frontiers further reported their Opinion, that a Committee be appointed to view the Frontier lying between Connecticut & Merrimack Rivers; viz[t] Gardners Canada Township, Royalshire, Ipswich-Canada, & Dorchester Canada; And that One hundred Pounds be put into the Hands of said Committee, and by them to be improved in building two Block Houses, and repairing the Fortification already built by the Province in said Township.

Read and

*Ordered* that the foregoing Report be Accepted. [*Passed November 20.*[1]

## CHAPTER 143.

ORDER CONFIRMING PROCEEDINGS AT THE MEETINGS OF THE FIRST PARISH IN WELLS.

Legislative Records of the Council, xx., 327. Mass. Archives, cv., 481.

Mass. Archives, cv., 480. House Journal, pp. 112, 124. *Ante*, p. 169, chap. 3.

A PETITION of John Storer Esq[r] & others, Freeholders & Inhabitants in the first Parish in Welles, shewing that since their being constituted a Parish, they have not strictly observed the Law of the Province for holding the Annual Meetings, for the Election of Parish Officers &c[a] in the Month of March, althô they have otherwise acted regularly & conformable to Law, Praying that their Proceedings in said Meetings may be confirmed by an Order of this Court;

Read &

*Ordered* that the prayer of the Petition be granted and that all the proceedings of the first Parish in the town of Wells at their Past Parish Meetings which ought to have been held in the months of March Annually be Established & Confirmed to all intents & purposes as if they had been held in S[d] Months of March provided they are otherwise Agreeable to Law. [*Passed November 22.*[2]

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 19.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 21.

## CHAPTER 144.

ORDER IMPOWERING ISAAC NICHOLS, EXECUTOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Isaac Nichols, Exectutor of the last Will & Testament of Henry Wilkins, late of Middleton in the County of Essex Dec$^{d}$ & Guardian of his two Daughters, Elisabeth & Ruth Wilkins, Persons Non Compos, with other Persons, setting forth the Circumstances of the Estate in Middleton, which the said Henry disposs'd of by Will for the Support of his two Daughters above mentioned, Praying that the Petitioner may be impowered to sell the Real Estate in Middleton, which they apprehend best for the said Daughters;

Legislative Records of the Council, xx., 331. Mass. Archives, xix., 147.

Mass. Archives, xix., 145. House Journal, pp. 12, 15, 58, 77.

Read &

*Ordered* that the prayer of the pet$^{n}$ be so far granted as that the S$^{d}$ Isaac the pet$^{r}$ in his Said Capacity be & hereby is impowered to Make Sale of the real Estate therein mentioned for the most the Same will fetch & to Execute in due form of Law A good Deed or Deeds of the Same he observing the direction of the Law respecting the Sale of Real Estates and out of the proceeds of S$^{d}$ Sale to pay the Just Legacies in S$^{d}$ Will bequeathed Still due & Unpaid & that the Overplus Arising by Sale be by the S$^{d}$ Isaac put out to Interest One third part of Said Interest to be paid unto the widow within mentioned Annually upon this Condition only that She by a marriage Covenant or otherwise hath not Barred herself of her right of Dower to Said Estate the other Two thirds of Said Interest to be Applyed to & for the Support & Maintenance of Elisabeth & Ruth Wilkins y$^{e}$ within Mentioned persons Non Compos And that the S$^{d}$ Isaac Nichols give Caution to the Judge of Probate for the County of Essex that the same Shall be Apply'd Accordingly [1] And that the remainder of S$^{d}$ Estate ([2] after the death of the said [1] Elisabeth & Ruth Shall be divided Among those Unto whom [by] [3] Said Will the Said real Estate would have descended had not the Same been Sold. [*Passed November 22.*[4]

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## CHAPTER 145.

ORDER ON THE PETITION OF THE TOWN OF BRIDGEWATER IN REGARD TO TAXES SINCE THE CHANGE OF CERTAIN BOUNDARIES.

A Petition of the Select Men of the Town of Bridgewater, shewing that a considerable Number of the Inhabitants of the said Town, were the last Year sett off to the Town of Pembroke, notwithstanding which the said Town of Bridgwater are taxed this Year without any Regard had, to the Lessening the Number of their Inhabitants, and their Estates, Praying this Court would Order a Repayment of their extraordinary Tax.

Legislative Records of the Council, xx., 329. Mass. Archives, cxvi., 740.

Mass. Archives, cxvi., 739. House Journal, pp. 53, 125. *Ante*, p. 177, chap. 20.

[Read &]

*Ordered* that the Town of Pembroke pay unto the Town of Bridgwater the Sum of four pounds sixteen shillings being that part of

[1] MS. mutilated.
[2] *Sic*, as to parenthesis.
[3] Inserted from Legislative Records of the Council, xx., 332.
[4] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 23.

the Town of Bridgwaters proportion to pay in the last Tax that was Annexed to Pembroke and that for the future the Town of Bridgwater be Abated the Sum of five shillings & four pence in their proportion to a Tax of 1,000 pounds and the Same be Added to Pembrokes proportion That the Town of Pembroke also pay Unto the Town of Hanover the Sum of Three pounds nineteen shillings being that part of the Town of Hanover's proportion to pay in the Last Tax that was Annexed to Pembroke And that for the future the Town of Hanover be abated the Sum of four shillings & four pence in their proportion to a Tax of a 1,000 pounds And that the Same be added to the Town of Pembrokes Proportion That the town of Pembroke Also pay unto the Town of Abington the Sum of twelve shillings being that part of the Town of Abingtons, proportion to pay in the last Tax that was Annexed to Pembroke and that for the future the town of Abington be Abated the Sum of three pence in their proportion to a Tax of a 1,000 And that the Same be added to the town of Pembrokes proportion and as for the Town of Hallifax the Committee having received no Information what part thereof was Annexed to Pembroke can make no Report in relation to that Town. [*Passed November 23.*[1]

## CHAPTER 146.

Legislative Records of the Council, xx., 331. Mass. Archives, lxxiv., 281.

ORDER APPOINTING A COM^TEE FOR BUILDING AND REPAIRING FORTIFICATIONS BETWEEN CONNECTICUT & MERRIMACK RIVERS.

House Journal, p. 123 *bis*. *Ante*, p. 226, chap. 142.

*Ordered* that James Minot William Richardson & John Chandler Jun^r Esq^rs be a Committee (Under the direction of his Excellency the Cap^t General) to lay out the money Granted this Sitting of the Court for the building And repairing the fortifications between Connecticut & &[2] Meremack Rivers. [*Passed November 23.*

## CHAPTER 147.

Legislative Records of the Council, xx., 331. Mass. Archives, lxxiv., 280.

ORDER APPOINTING A COM^TEE FOR BUILDING AND REPAIRING FORTIFICATIONS ON THE WESTERN FRONTIER.

House Journal, p. 123 *bis*. *Ante*, p. 225, chap. 140.

*Ordered* that Elijah Williams Timothy Ruggles & Joseph Hawley Esq^rs be a Committee Under the direction of his Excellency the Captain General to lay out the money granted this Sitting of the Court for the building & repairing the fortifications on that part of the Frontier West of Connecticut River. [*Passed November 23.*

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 22.

[2] *Sic.*

## CHAPTER 148.

ORDER APPOINTING A COMTEE FOR BUILDING AND REPAIRING FORTIFICATIONS ON THE EASTERN FRONTIER.

Legislative Records of the Council, xx., 331. Mass. Archives, lxxiv., 279.

*Ordered* that Jedadiah Pribble[1] Joseph Gerrish & Caleb Cushing Esqrs be a Committee Under the direction of his Excellency the Capt General to lay out the money granted this Sitting of the Court for the building & repairing the fortifications on that part of the frontier at the Eastern parts of the province. [*Passed November 23.*

Legislative Records of the Council, xx., 326. House Journal, pp. 123, 124. *Ante*, p. 225, chap. 141.

## CHAPTER 149.

ORDER ALLOWING £3. 5. 4 TO THOS COLBY.

A Petition of Thomas Colby of Amesbury, shewing that in the last War with the French, he was a Soldier in the Eastern Parts of the Province, in the Company of Capt Sylvanus Cobb, that by Mistake he was left out of the Muster Roll, and as yet has received no Wages for his Service, Praying that this Court would now make him allowance for the same.

Legislative Records of the Council, xx., 331. Mass. Archives, lxxiv., 241.

Mass. Archives, lxxiv., 241. House Journal, pp. 124, 130.

Read &

*Ordered* that the prayer of the petition be so far granted that the Petitioner be Allowed & paid out of the publick Treasury the Sum of three pounds five shillings & four pence in full of his Wages mentioned in the petition. [*Passed November 23.*

## CHAPTER 150.

ORDER ALLOWING £9 FOR THE SURVEY OF A TRACT OF PROVCE LAND ADJOINING TO NORTHAMPTON.

Legislative Records of the Council, xx., 332. Mass. Archives, xlvi., 372.

Oliver Partridge Esqr presented a plan of 21,246 Acres of land lying West of & adjoining to the Township of Northampton which was taken by an order of the House of Representatives of the 17th of Janry last together with an Account of Mr Elisha Hawley the Surveyor employed in taking Sd Plan

Mass. Archives, xlvi., 373, 374. Maps and Plans, xxxiv., 14. House Journal, p. 130. *Ante*, p. 109, chap. 254.

*Ordered* that the Sum of Nine pounds be Allowed & paid out of the Publick Treasury to Sd Hawley in full of sd account. [*Passed November 23.*

## CHAPTER 151.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, &cA, FOR THE COUNTY OF WORCESTER AND ALLOWING £2. 2 EXPENSE THEREOF.

A Report presented by the Committee for letting out to farm the Excise upon Tea, Coffee &ca in the County of Worcester, that they had duly put up the same, but no Person appeared to farm

Legislative Records of the Council, xx., 332.

[1] The House Journal, p. 124, reads, "Prebble."

House Journal, p. 131. *Ante*, p. 26, chap. 48.

the said Excise, & praying Allowance for their Time & Expence therein, amount$^{s}$ to the Sum of £2.2.

Read &

*Ordered* that the Sum of Two Pounds, two shillings, be allowed & paid out of the publick Treasury to said Committee in full of their Accompt. [*Passed November 25.*

## CHAPTER 152.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, &c, FOR THE COUNTY OF YORK AND ALLOWING £2. 3. 8 EXPENSE THEREOF.

Legislative Records of the Council, xx., 333.

House Journal, p. 131. *Ante*, p. 27, chap. 52.

THE COMMITTEE appointed to let to farm the Excise upon Tea, Coffee &c$^{a}$ in the County of York, reported that they had agreed for the same with M$^{r}$ Foxwell Curtis Cutt, for Seven Pounds, ten shillings & had taken his Bond for the same, and lodged it with the Province Treasurer, their Acco$^{t}$ of Time & Expence amounting to £2.3.8:

Read &

*Ordered* that the Report be accepted, and that the s$^{d}$ Committee, be allowed the Sum of Two Pounds, three shill$^{gs}$ & eight pence, in full of their Accompt, to be paid out of the publick Treasury. [*Passed November 25.*

## CHAPTER 153.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, &c$^{A}$, FOR THE COUNTY OF HAMPSHIRE AND ALLOWING 14/8 EXPENSE THEREON.

Legislative Records of the Council, xx., 333. Mass. Archives, cxx., 69.

House Journal, p. 131. *Ante*, p. 26, chap. 47.

THE COMMITTEE appointed to let out to farm the Excise upon Tea &c$^{a}$ in the County of Hampshire, reported that they had agreed for the same with David Ingersol Esq$^{r}$ for Six Pounds, seven shillings, & had taken his Bond for the same, & lodged it with the Province Treasurer their Accompt of Time & Expence amounting to 14/8:

Read &

*Ordered* that the Above report be Accepted & that the S$^{d}$ Committee be Allowed the Sum of fourteen shillings & Eight pence in full of the above account & that the Same be paid out of the publick Treasury. [*Passed November 25.*

## CHAPTER 154.

ORDER ADJOURNING THE COURTS OF BARNSTABLE COUNTY.

Legislative Records of the Council, xx., 334. Mass. Archives, xliv., 69.

WHEREAS Divers of the Justices of the Court of General Sessions of the Peace and Inferiour Court of Common pleas, which by Law is to be holden att Barnstable in the County of Barnstable On the First Tuesday of December next are members of this Court and

the important afairs of the Province now Depending require their attendance thereon House Journal, p. 134.

Wherefore

*Ordered* That the Courts aforementioned (That were to be held att the time afores$^{d}$) be adjourned to the First Tuesday of January next to be held att the Court house in S$^{d}$ Town of Barnstable att Ten of the Clock in the forenoon of s$^{d}$ Day. And all pleas, writts, Actions, Suits, Plaints, Processes, Preecepts, Recognizances And Other thing And things whatsoever returnable or having Day or Days in the s$^{d}$ Court Shall stand abide and continue unto the s$^{d}$ adjournment And be held demeed And Adjudged to be as good efectual and available in Law to all intents constructions and purposes as if Such Courts had been held and kept on the Day by Law for holding the Same And no Adjournment thereof had been made. [*Passed November 26.*

## CHAPTER 155.

ORDER FOR THE COMMISSARY GENERAL TO INSPECT MUSTER ROLLS.

*Ordered* that the Commissary General, repair to the late Treasurer William Foye Esq$^{r}$ & inspect the Muster Rolls in his Custody, and return to this Court an Accompt of the Persons Names, born thereon who have not received their Pay. [*Passed November 26.* Legislative Records of the Council, xx., 334. House Journal, p. 135.

## CHAPTER 156.

ORDER ADJOURNING THE COURTS OF BRISTOL COUNTY.

Whereas divers of the Justices of the Court of General Sessions of the Peace, & Inferiour Court of Common Pleas, which by Law are to be holden at Taunton, in & for the County of Bristol, on the second tuesday of December instant are members of this Court; & the important affairs of the Province, now depending, require their attendance thereon Wherefore Legislative Records of the Council, xx., 335. Mass. Archives, xliv., 84. House Journal, pp. 138, 139. *Ante*, p. 59, chap. 134.

*Ordered* that the Courts afores$^{d}$ & that were to be holden at the time afores$^{d}$ be adjourned to the second tuesday of march next to be held at the Court house in s$^{d}$ town of Taunton at ten a clock in the forenoon of s$^{d}$ day. And all pleas writts, actions suitts Plaints, Processes Preecepts, Recognisances, & other thing or things whatsoever, returnable, or having day, or days in the s$^{d}$ County,[1] shall stand, abide & continue unto the s$^{d}$ adjourment[2] & be held deemed & adjudged, to be as good effectual & available in Law: to all intents, construction & purposes, as if such courts had been held, & kept on the day by law for holding the same, and no adjourment thereof had been made. [*Passed December 3.*

[1] The word "County" is underlined in Mass. Archives.
[2] *Sic.*

## CHAPTER 157.

ORDER GRANTING TO JAMES DAVENPORT LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 336. Mass. Archives, cxi., 330.

Mass. Archives, cxi., 329. House Journal, p. 137.

A PETITION of James Davenport of the Town of Boston Tavern-keeper shewing that he has now an Opportunity to remove into a House, more commodious for a Tavern than that he now dwells usually called the Bunch of Grapes, Tavern, being in the Town of Boston, Praying that the Court of General Sessions of the Peace for the County of Suffolk may be enabled to grant him a Licence for said House,

[Read &]

*Ordered* That the Prayer of this Petition be so far granted as that the Justices of the Court of General Sessions of the Peace for the County of Suffolk at their present Adjournm$^{t}$ or some other Time, be impowered (if they See fitt) to Licence the Petitioner to be an Inholder in y$^{e}$ Town of Boston in the House comonly known by the name of the Bunch of Grapes near Scarletts Wharfe, He Obtaining the Approbation of the Selectmen of Said Town, The time of granting Licences being elapsed Notwithstanding. [*Passed December 3.*

## CHAPTER 158.

ORDER GRANTING TO MARG$^{T}$ HOGG LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xx., 337.

House Journal, p. 138.

A PETITION of Margaret Hogg of Boston, Retailer, shewing that by Reason of the Farmer of Excise for the County of Suffolk, not calling at her House for the last Years Excise as he promised to do, she failed of renewing her Licence at the proper Season, Praying that the Court of General Sessions of the Peace for the said County may be impowered to grant her Licence at their next Meeting:

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that the Justices of the Court of General Sessions of the Peace for the County of Suffolk, be impowered at their present Adjournment, or at some other Time, if they see fit, to licence the Petitioner, to be a Retailer of Spirituous Liquors in the Town of Boston, She obtaining the Approbation of the Select Men of said Town, and producing a Discharge from the Farmer of Excise of his Demands for the Year past, the time for granting Licences being elapsed notwithstanding. [*Passed December 3.*

## CHAPTER 159.

ORDER GRANTING TO JOHN PALMER LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 336. Mass. Archives, cxi., 327.

A PETITION of John Palmer of Situate in the County of Plymouth, shewing that he hath obtained the Approbation of the Select Men of said Town to keep a Tavern there; his House being well situated & accomodated for the same, Praying that the Court of General Ses-

sions of the Peace for the said County may be impowered by this Court to grant him a Licence to keep a Tavern there.

Mass. Archives, cxi., 326. House Journal, p. 139.

[Read, &]

*Ordered* That the Prayer of this Petition be so far granted as that the Justices of the Court of General Sessions of the Peace for the County of Plymouth be and hereby are impowered at their next Term to License the Petitioner (if they see fitt) to be an Inn holder in the Town of Scituate, he first Obtaining the Approbation of the Select-men of said Town, the Time of granting Licenses being elapsed Notwithstanding. [*Passed December 4.*[1]

## CHAPTER 160.

ORDER ADJOURN$^{G}$ THE COURTS OF MIDDLES$^{X}$ COUNTY.

In the house of Representives

Whereas Divers of the Justices of the Court of General Sessions of the Peace & Inferiour Court of Common Pleas, which by Law are to be holden att Charlstown in & for the County of middlesex on the second tuesday of December instant, are members of this Court, & the important affairs of the Province now depending require their attendance thereon Wherefore

Legislative Records of the Council, xx., 335. Mass. Archives, xliv., 82.

House Journal, pp. 138, 140. Province Laws, iii., 64, chap. 32.

*Ordered* that the Courts afores$^{d}$ ([2] that were to be held at the time afores$^{d}$ be adjourned to the first tuesday of January next to be held at the Court house in s$^{d}$ Town of Charlstown at ten a clock in the forenoon of s$^{d}$ day.

And all pleas writts actions suits Plaints, Processes Preceepts Recognisances, & other thing, & things whatsoever returnable, or having day, or days in the s$^{d}$ County shall stand abide, & continue unto the s$^{d}$ adjourment & be held demeed, & adjudged, to be as good effectual, & available, in law to all intents construction, & purposes, as if such courts had been held & kept on the day by law for holding the same & no adjourment thereof had been made

In Council,

Read & Concur'd And the Sheriff of the said County of Middlesex is hereby required to take Care seasonably to publish this Order in Manner as usual.

In the House of Rep$^{s}$ Read & Concurred. [*Passed December 4.*[3]

## CHAPTER 161.

ORDER PRESENTING EQUIPMENTS TO OFFICERS AND SOLDIERS UNDER COMMAND OF MAJOR GEN$^{L}$ JOHN WINSLOW.

A Petition of John Winslow Esq$^{r}$ Commander in Chief of the Forces lately in the Service of this Province Eastward, shewing that the Blankets, Knapsacks & Bandileers provided for the Use of the Soldiers in the said Expedition, are many of them almost

Legislative Records of the Council, xx., 338. Mass. Archives, lxxiv., 285.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 3.

[2] *Sic*, as to parenthesis.

[3] This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is December 3.

Mass. Archives, lxxiv., 284. House Journal, p. 140. Province Laws, iii., 835, note.

worn out, by Reason of the Hardness of the Service, praying that those Things may not be charged to the Soldiers but given to them.[1]

[Read &]

*Order'd* That the Prayer of this Pet[n] be granted, And that the Blanketts Knapsacks & Bandileers delivered to the Officers & Soldiers employed in the late Service at the Eastward under the Comand of Maj[r] General Winslow be given to the said officers and Soldiers gratis, And the Commissary General is hereby directed not to charge the said Articles in their particular Accounts. [*Passed December 5.*

## CHAPTER 162.

ORDER IMPOWERING CALEB CHAFLIN, ADM[R], TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 339. Mass. Archives, xix., 223.

A PETITION of Caleb Chaflin Admin[r] of the Estate of Israel Tilton late of Hopkinston in the County of Middlesex dec[d] & Guardian of his only Child, shewing that the Debts on his Estate are much more than the personal Estate will discharge, and the real Estate is very small, and therefore Praying this Court that the Petitioner may be impowered to sell the whole Real Estate which will be most for the Benefit of the said Minor.

Mass. Archives, xix., 222. House Journal, pp. 129, 142, 143. Province Laws, ii., 151, chap. 10.

Read [and]

*Ordered*, That the Prayer of this Pet[n] be so far granted as that the Pet[r] in his said Capacity of Administrator, be licensed and Authorized to make sale of the whole of the reall Estate mentioned in the Pet[n] for the most it will fetch and to execute a good & Sufficient Deed or Deeds thereof in the Law, first Observing the Rules of the Law for the Sale of Intestates Estates, and giving proper Caution to the Judge of Probate for the County of Midd[x] For the Annual Payment of the lawful Interest of One third Part of the Sum produced by such Sale, to the Widow, during her natural Life, as likewise for the Payment of the Debts mentioned in the Petition & for securing the Remainder for the Use of the Child. [*Passed December 6.*

## CHAPTER 163.

ORDER ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative Records of the Council, xx., 340. Mass. Archives, xliv., 85.

WHEREAS Divers of the Justices of the Court of General Sessions of the Peace and Inferiour Court of Comon Pleas which By Law is to Be Holden at Plymouth In the County of Plymouth on the third Tuesday of December Current are Members of this Court And the Important affairs of the Province now Depending Require their Attendance thereon wherefore

House Journal, pp. 145, 146. Province Laws, iii., 64, chap. 32.

*Ordered* that the Courts aforementioned (that Were to Be Held att the Time afores[d]) Be adjourned to the second Tuesday of January next to Be Held at the Court House In s[d] Town of Plymouth at Ten of the Clock In the forenoon of s[d] day and all Pleas writs actions suits Plaints Processes Precipts Recognizances and Other thing & things what so Ever Returnable or haveing Day or Days In the s[d] Courts shall stand abide and Continue unto the s[d] adjourn-

[1] The House Journal, p. 140, adds the word, "gratis."

ment and Be Held Deemed and adjudged to Be as Good Effectual and avaliable In Law to all Intents Constructions and Purposes as If such Courts had Been Held and Kept on the day by Law for Holding the same and No adjourment thereof had Been Made. [*Passed December 10.*

## CHAPTER 164.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF NATHAN PEABODY & SPENCER BENNET FOR A NEW TRIAL.

A Petition of Nathan Peabody & Spencer Bennet, shewing that by Reason of A Mistake in the Award of Refferrees in a Cause between the Petitioners and one Israel Averil, given in at the Inferiour Court held at Newbury in September last, the Petitioners are much injured; and therefore Praying the Execution on the Judgment against them may be stayed, & that they may be admitted to a new Trial, either before the Court or the same Refferrees.

Legislative Records of the Council, xx., 340. Mass. Archives, xliv., 72.

Mass. Archives, xliv., 70. House Journal, p. 145.

Read &

*Ordered* That the Pet$^{rs}$ serve the Adverse Party Israel Averell with a Copy of the Pet$^{n}$ That he shew Cause (if any he have) on the second Friday of the next sitting of this Court, why the prayer thereof should not be granted, And that Execution be staied in the mean time. [*Passed December 10.*

## CHAPTER 165.

ORDER IMPOWERING THE TOWN OF HARWICH TO CHOOSE CONSTABLES OR COLLECTORS.

A Petition of Barnabas Freeman & Jabez Snow, Agents for the Town of Harwich, shewing that the said Town have been in the Practice of chusing two Constables annually for said Town, but divers Things happened in their Proceed$^{gs}$ this Year in Relation to their Constables, which has deprived them of the Benefit of one of their said Officers, and therefore Praying that they may be allowed another Meeting for chusing that Officer·

Legislative Records of the Council, xx., 341. Mass. Archives, cxvi., 753.

Mass. Archives, cxvi., 752. House Journal, pp. 71, 146.

Read &

*Ordered* That the Prayer of this Petition be so far granted as that the said Town of Harwich be hereby enabled and impowered at a Meeting to be called for that purpose to choose one or more Constables or Collectors to serve in said Town for the Current Year, the Time by Law for chusing such Officers being elapsed Notwithstanding; And such person or persons so chosen shall be Obliged to do the Duties, and incur the penalties to all intents And purposes as fully as if they had been chosen in March last. [*Passed December 10.*

## CHAPTER 166.

ORDER IMPOWERING ICHABOD GOODWIN & HANNAH AYER, ADMINISTRATORS, TO SELL AN ESTATE.

Legislative Records of the Council, xx., 344. Mass. Archives, xix., 206.

A PETITION of Ichabod Goodwin & Hannah Ayer Administrators of the Estate of James Scammon late of Biddeford in the County of York Dec[d] Intestate, setting forth that the said Estate has been represented insolvent to the Judge of Probate, that the said Judge has set off the Widows Dower, Praying that this Court would impower the Petitioners to sell the whole of the Real Estate for the Payment of the just Debts due thereon,

Mass. Archives, xix., 202, 205. House Journal, pp. 74, 143, 146, 150. Province Laws, ii., 151, chap. 10.

Read &

*Ordered;* that y[e] prayer of the petition be So far Granted; as that the Petitioners; be and are hereby; Impowered; in their Said Capacity of Administ[rs]; To make Sale of the whole of the Estate mentioned (Saveing only y[e] widows Right of Dower or power of thirds, as already Set out,) and to make and Execute in Due form of Law a good Deed or Deeds, for the Conveyance thereof to Such person or persons, as Shall Give most for the Same Provided the Petitioners, Observe the Directions of the Law, Respecting, Executors, & Admors, Sale of Lands; and Give Suffisiant Caution to the Judge of Probates, for the County of York: To Acount for the Produce of the Premises; and that the Same Shall be Disposed of pursuant To Law. [*Passed December 13.*

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## CHAPTER 167.

ORDER ALLOWING £10 TO JAMES JOHNSON.

Legislative Records of the Council, xx., 345. Mass. Archives, lxxiv., 286.

*Ordered*, That the Sum of Ten pounds be allowed & paid out of the Public Treasury to James Johnson a Captive lately come from Montreal, to bear his Expences in Coming here, and returning for the redemption of his Wife and Children.[1] [*Passed December 13.*[2]

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## CHAPTER 168.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, &c[a], FOR THE COUNTY OF ESSEX AND ALLOWING 33/8 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xx., 345.

THE COMMITTEE for letting out to farm the Excise upon Tea, China Ware &c[a] in the County of Essex, reported that they had let out the same to Peter Fry for Thirty five Pounds six shillings & eight pence, and have taken Bond accordingly & lodged it with the Treasurer, their Accompt of Time & Expence therein amounting to £1.13.8.

House Journal, p. 147. *Ante*, p. 25, chap. 45.

Read &

[1] Not found in the House Journal.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 17.

*Ordered* that this Report be accepted, and that the said Committee be allowed the Sum of Thirty three shillings & eight pence, in full of their Accompt, & that the same be paid out of the publick Treasury. [*Passed December 17.*

## CHAPTER 169.

ORDER IMPOWERING JEREMIAH WILLIAMS TO PROSECUTE HIS ACTION OF TRESPASS, AND JOHN DOWSE TO PROSECUTE HIS APPEAL FROM A SENTENCE.

A Petition of Jeremiah Williams of Roxbury, Praying that this Court would set aside an Award of John Shepherd Esq[r] and John Holman, Referees on a Cause between the Petitioners Tenant John Dowse & John Moorey depending in the Inferiour Court in Boston, the Proceeding therein being irregular.

Legislative Records of the Council, xx., 247. Mass. Archives, cxxi., 303.

Read and [report] Accepted & thereupon

*Ordered* that the prayer of the Pet[n] be granted and that Jeremiah Williams be & hereby is impowered to prosecute his Action of Trespass commenced against John Morey in July A.D 1753 at the next Inferiour Court of Common Pleas to be holden at Boston within and for the County of Suffolk on the first Tuesday of January next and the Justices of the said Court hereby are impowered & directed to hear and try the said Action enter up Judgment and award Execution thereon the Award & Judgment of Court within mentioned notwithstanding provided the s[d] Jeremiah Williams give the s[d] Morey seasonable Notice of this Order. And it is further

Mass. Archives, cxxi., 302–305. Legislative Records of the Council, xx., 324, 345. House Journal, pp. 12, 94, 95, 128, 157, 158.

*Ordered* that John Dowse be & hereby is impowered to prosecute his appeal from the Sentence given ag[st] him by Ebenezer Peirpoint Esq[r] within mentioned at the Court of General Sessions of the Peace to be holden for the s[d] County on the first Tuesday of Jan[ry] next aforesaid & the Justices of the s[d] Court hereby are impow[d] and Directed to hear & try the s[d] Action to enter up Judgm[t] & award Execution thereon as fully to all Intents and purposes as thô the same had not been Included in the award aforementioned Provided the s[d] Dowse seasonably notify the said Morey of this Order. [*Passed December 17.*

## CHAPTER 170.

ORDER ALLOWING £9. 6. 8 TO JOHN WALKER.

A Petition of John Walker of Worcester shewing that he was a Soldier in the late Expedition against Cape Breton, that after his Return he continued in the Service of the Province under Capt Moodey, but by Mistake his Wages were left out of the Muster Roll, and he has as yet received no Part thereof; Praying that they may be now allowed out of the publick Treasury.

Legislative Records of the Council, xx., 345. Mass. Archives, lxxiv., 172.

Read and

*Ordered*, That the Prayer of the Petition be granted, And that the Pet[r] be allowed and paid out of the Province Treasury, Nine Pounds six shillings and eight pence, in full for his Service as a Soldier at Cape Breton. [*Passed December 17.*

Mass. Archives, lxxiv., 172. House Journal, pp. 35, 61, 156.

## CHAPTER 171.

VOTE ELECTING GUARDNS FOR PUNCAPAUG INDIANS.

Legislative Records of the Council, xx., 346.

House Journal, pp. 147, 148 *ter*, 149, 150, 156, 157. *Ante*, p. 220, chap. 133.

THE TWO HOUSES proceeded this Day to the Election of three Guardians of the Indians at Puncapaug: And John Quincy Esqr Robert Spur Esqr & Mr Samuel Niles were duly elected to that Trust by the Major Vote of the Council, & House of Representatives. [*Passed December 17.*

## CHAPTER 172.

ORDER REMITTING TO THE TOWN OF HARDWICK £8 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative Records of the Council, xx., 347. Mass. Archives, cxvi., 768.

Mass. Archives, cxvi., 767. House Journal, p. 155. Province Laws, iii., 628, chap. 8.

A PETITION of Capt Timothy Ruggles in behalf of the Town of Hardwick, shewing that whereas the said Town was fined for not sending a Representative; to the General Court in the Year 1751, they were then in such low Circumstances as not to be able to bear the Expence of it, Praying for a Remittance of said Fine.

Read &

*Ordered*, That the Prayer of the Petn be granted, & that the Sum of Eight Pounds (the sum the said Town was fined in the year 1751 for not Sending a Representative,) be paid out of the Public Treasury to the select men of the said Town of Hardwick, for the use of said Town. [*Passed December 17.*[1]

## CHAPTER 173.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE GOVRS MESSAGE IN REGARD TO THE STOCKBRIDGE INDIANS.

Legislative Records of the Council, xx., 344. Mass. Archives, cix., 4, 5.

Mass. Archives, cix., 1, 2. Legislative Records of the Council, xx., 343, 344. House Journal, p. 151.

In the House of Rept

*Ordered*, That Mr Speaker, Judge Russell, Coll: Brattle, Mr Thos Foster & Capt Ruggles with such as the honble Board shall join, be a Comittee to take into Consideration his Excellency's Message[2] of this day to both Houses, together with a Letter from Coll Israel Williams accompanying the same; And report what they think proper for this Court to do thereon.

In Council Read and Concur'd and Samuel Watts John Chandler Andrew Oliver & Joseph Pynchon Esqrs are joined in the Affair

The Comtee Appointed ℔ this Honble Court on his Excellencys Message[2] of the 13th of this Instant and also on the Letter from

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 19.

[2] "Gentlemen of the Council & House of Representves

I have just now received a Letter [Mass. Archives, cix., 2] from Colo Israel Williams, giving me an Account of the ill State of our Affairs on the Western Frontiers, consequent upon the Defection of the Stockbridge Indians, & his Opinion of the great Necessity of reclaiming them to their Duty and Obedience to this Governmt with a Proposal of such Methods as he apprehends most likely to produce this happy Event.

In the general, I can't but approve of Colo Williams's Sentiments on this Subject: However, it is an Affair of great Moment; And I must earnestly recommend to you the immediate Consideration of this Matter; so that some effectual Remedy if possible may be applied for removing this great Evil, as well as preventing the many Mischiefs that seem to be the unavoidable Consequences of it.

Decr 13 1754. W SHIRLEY"

—Mass. Archives, cix., 1.

Co[ll] Israil Williams have Consider[d] the Same. & Beg Leave to Report That they are of opinion, in order to Releive the Indians at Stockbridge Under their Distressing Circumstances and to Attach them y[e] more to the English Interest That they be Receiv'[d] as soldiers in the province service and Receive pay and Subsistance as Such & put Under the Care & Direction of some Good Officer that will Use them Well for the Space of Six Months And that they be Inform'[d] that they may Come to this Court and Relate their Grevences, or otherwise this Court Will send Up a Comtee to them to Inquire of the Same in order to have them Redress[d] as they Shall Desire

Which is Humbly submitted ℔ Sam[l] Watts ℔ Ord[r]

Read &

*Ordered* that this Report be Accepted. [*Passed December 19.*

## CHAPTER 174.

ORDER APPOINTING A TRUSTEE OF THE MONEY GRANTED TO EUNICE HOOPER.

*Ordered*, That John Tasker Esq[r] be & hereby is impowered to receive of the Province Treasurer the money granted by the Gen[l] Court in April last to Eunice Hooper, being Sixty Six Pounds thirteen Shillings and four pence, in the room of the Rev[d] M[r] Bradstreet (who refuses that Trust) the same To be by him paid one Third Part to the said Eunice, & the other two Third Parts to the Guardian or Guardians of the Children of Samuel Hooper Dec[d] her late Husband, to be for their Use & Benefit. [*Passed December 19.*

Legislative Records of the Council, xx., 347. Mass. Archives, xix., 231.

House Journal, pp. 159, 162. *Ante*, p. 158, chap. 369.

## CHAPTER 175.

VOTE DESIRING THE WITHDRAWAL OF FORCES IN HAMPSHIRE COUNTY.

*Voted*, That the Cap[t] General be desired to give Orders y[t] the Forces posted at Blanford, Greenfield, Southampton and N° four lying in the County of Hampshire, be withdrawn. [*Passed December 19.*

Legislative Records of the Council, xx., 347. Mass. Archives, lxxiv., 288.

House Journal, p. 159.

## CHAPTER 176.

ORDER ALLOWING £3 TO SAM[L] LOWELL.

A Petition of Samuel Lowell of Amesbury an Officer in the late Expedition against Cape Breton, setting forth his extraordinary Services in the Seige of Louisbourgh, & praying for some Consideration therefor from this Court

Read, And

*Ordered*, That the Prayer of this Pet[n] be so far granted as that the Petitioner be allowed & paid out of the Publick Treasury the Sum of three Pounds in full Consideration of his within Mentioned Services. [*Passed December 19.*

Legislative Records of the Council, xx., 347. Mass. Archives, lxxiv., 228.

Mass. Archives, lxxiv., 227. House Journal, pp. 160, 162.

# CHAPTER 177.

ORDER ALLOWING £5. 10 TO EBENEZER BACON.

Legislative Records of the Council, xx., 348. Mass. Archives, lxxiv., 283.

A PETITION of Ebenezer Bacon of Dudley, shewing that he is sued in the Law for the Charge of the Surgeon, of healing his Wounds received in the Service of the Province, Praying the said Accompt may be paid out of the publick Treas$^{y}$.

Mass. Archives, lxxiv., 282. House Journal, pp. 149, 159.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as that there be paid out of the Public Treasury the sum of Five pounds ten shillings to the Petitioner to enable him to discharge the Debt mentioned in the Petition & the Charges arising on the said Action. [*Passed December 19.*

# CHAPTER 178.

ORDER ON THE PET$^{N}$ OF DAVID MORSE & OTHERS, OF NATICK, IN REGARD TO MAKING PROVISION FOR A MINISTERIAL TAX.

Legislative Records of the Council, xx., 342. Mass. Archives, xiii., 580.

A PETITION of David Morse & others of the Society in Natick whereof M$^{r}$ Stephen Badger is Pastor, setting forth the Difficulties they are under, for raising the Sums they have obliged themselves to give towards the Support of their said Minister, Praying that they may be impowered by this Court to elect a Clerk, Assessors & Collectors for the Purposes beforementioned.

Mass. Archives, xiii., 577–579. Legislative Records of the Council, xx., 348. House Journal, pp. 38, 130, 149, 162, 163. *Ante*, p. 71, chap. 164.

Read & thereupon

*Order'd* that the Petitioners & their associates (including such as by Order of this Court in December last were annexed to them) be, & they hereby are imbodied for the Purposes mentioned in the Petition, and it shall be lawfull for them to hold meetings from time to time as there shall be occasion; (Such meetings to be called & warned in manner as by Law Precinct meetings are to be called,) and at their first meeting, and in the month of march annually, by a major Vote, to chuse a moderator, Clerk, & one or more Collectors for collecting the Summs agreed on, or that (by the majority of the Voters present at any Legal meeting called for that purpose) may be agreed on for the Support of the Rev$^{d}$ m$^{r}$ Badger, or other ministerial Charges: together with other necessary officers and may agree upon any other method for calling such meetings for the future [1] and the officers who shall be chosen as aforesaid, shall have the same Power as the like officers in Precincts are by Law vested with: and such as in other Cases are usually laid under the obligation of an oath, shall be sworn by a Justice of the Peace to the faithfull Discharge of their respective Trusts. [*Passed December 19.*

[1] The House Journal omits the words beginning, "and the officers who shall," &c., to the end of the sentence.

## CHAPTER 179.

VOTE DESIRING THAT FIVE COHORN MORTARS BE SENT TO FORT HALIFAX.

Legislative Records of the Council, xx., 350. Mass. Archives, lxxiv., 289.

*Voted* That the Cap[t] General be desired to give Orders that there be Five Cohorn[1] Mortars sent to Fort Hallifax on Kennebeck River as soon as may be. [*Passed December 20.*

Legislative Records of the Council, xx., 340. House Journal, p. 164. *Ante*, p. 96, chap. 228.

## CHAPTER 180.

ORDER ALLOWING £200 TO THE GOV[R] FOR HIS SERVICES AT LOUISBOURGH.

*Ordered*, That the Sum of Two hundred Pounds be granted and paid out of the Public Treasury to his Excellency William Shirley Esq[r] Cap[t] General & Governor in chief of this Province, in full Consideration of his Services at Louisbourg in the year 1745. [*Passed December 21.*

Legislative Records of the Council, xx., 351. Mass. Archives, lxxiv., 294.

House Journal, p. 166.

## CHAPTER 181.

ORDER ALLOWING £250 TO THE GOVERNOR FOR SERVICE IN THE EASTERN PARTS.

Legislative Records of the Council, xx., 351. Mass. Archives, xlix., 409.

*Ordered*, That the Sum of Two hundred & fifty Pounds be granted & paid out of the Public Treasury to his Excellency William Shirley Esq[r] Cap[t] General & Governor in chief of this Province, in full Consideration of his Services in the Eastern parts of the Province, in the Summer past. [*Passed December 21.*

Legislative Records of the Council, xx., 252, 349. House Journal, pp. 165, 166. Province Laws, iii., 836, note. *Supra*, chap. 180.

## CHAPTER 182.

ORDER ALLOWING NELSON FINNEY PAYMENT FOR CARE OF AN INDIAN.

A Petition of Nelson Finny, shewing that in the Year 1747, he was at Great Charge for nursing & providing for one Mathias George a sick Indian of Puncapaug; but he has not been able to obtain a Reimbursment from the Guardians of the Puncapaug Indians, Praying that this Court w[d] give Orders for his Relief.

Read &

*Ordered* that the prayer of the Petition be So far Granted that the Petitioner be Allowed out of the monies belonging to the punkapoag Indians now in the hands of Samuel Miller Esqr the Sum of twenty eight pounds eighteen Shillings & eight pence in full for Doctering Nursing & dieting the within named Mathias George belonging to the punkapoag tribe. [*Passed December 21.*[2]

Legislative Records of the Council, xx., 354. Mass. Archives, xxxii., 500.

Mass. Archives, xxxii., 499. House Journal, pp. 30, 65, 110. *Ante*, p. 220, chap. 133; p. 238, chap. 171.

[1] A small mortar carried by men. Named after the engineer who invented it. See Century Dictionary.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 24.

## CHAPTER 183.

ORDER GRANTING TO JOHN SWEET LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 351. Mass. Archives, cxi., 332.

House Journal, p. 167.

A PETITION of John Sweet, Keeper of the Ferry at Haverhill, shewing that he is obliged to his great Detriment to entertain Persons passing over said Ferry at his own House, Praying that the Justices of the Court of General Sessions of the Peace for the County of Essex may be enabled to grant him Licence to sell strong Drink.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the Peace for the County of Essex be and hereby are impowered at their next term, to license the Pet$^{r}$ (if they See fitt) to keep an house of public Entertainment in the said Town of Haverhill, he first Obtaining the Approbation of the Select Men of said Town, the time for granting Licences being Elapsed notwithstanding. [*Passed December 23.*

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## CHAPTER 184.

VOTE APPOINTING A COM$^{TEE}$ FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN ESSEX C$^{O}$.

Legislative Records of the Council, xx., 352.

House Journal, p. 177.

In the House of Represent$^{ves}$

*Voted* that Col$^{o}$ Choat & Col$^{o}$ Hale with such as the hon$^{ble}$ Board shall join, be a Comm$^{tee}$ to farm out the Excise on Spirituous Liquors for the County of Essex: In Council; Read & Concur'd & Benjamin Lynde Esq$^{r}$ is joined in y$^{e}$ Affair. [*Passed December 24.*

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## CHAPTER 185.

VOTE APPOINTING A COM$^{TEE}$ FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN PLYM$^{O}$ C$^{O}$.

Legislative Records of the Council, xx., 352.

House Journal, p. 177.

In the House of Represent$^{ves}$

*Voted* that Col$^{o}$ Clap & M$^{r}$ Elisha Barrow with such as the Hon$^{ble}$ Board shall join be a Comm$^{tee}$ to farm out the Excise upon Spirituous Liquors for the County of Plymouth

In Council; Read & Concur'd, And John Cushing Esq$^{r}$ is joined in the Affair. [*Passed December 24.*

## CHAPTER 186.

VOTE APPOINTING A COMTEE FOR FARMG OUT THE EXCISE ON STRONG LIQUORS IN THE CO OF DUKES COUNTY.

In the House of Representves

*Voted* that Capt John Norton & Colo Zacheus Mayhew with such as the Honble Board shall join be a Committee to farm out the Excise upon Spirituous Liquors for the County of Dukes County. In Council; Read & Concur'd, & Enoch Coffin Esqr is joined in the Affair. [*Passed December 24.*

Legislative Records of the Council, xx., 352.

House Journal, p. 177.

## CHAPTER 187.

VOTE APPOINTING A COMTEE FOR FARMG OUT THE EXCISE ON STRONG LIQUORS IN BARNSTA CO.

In the House of Representatives;

*Voted* that James Otis & David Crocker Esqrs with such as the Honble Board shall join, be a Committee to farm out the Excise upon Spirituous Liquors for the County of Barnstable. In Council; Read & Concur'd, And John Otis Esqr is joined in the Affair. [*Passed December 24.*

Legislative Records of the Council, xx., 352.

House Journal, p. 177.

## CHAPTER 188.

VOTE APPOINTING A COMTEE FOR FARMG OUT THE EXCISE ON STRONG LIQUORS IN YORK COUNTY.

In the House of Representves

*Voted* that John Storer Esqr & Mr John Bradbury with such as the Honble Board shall join be a Committee to farm out the Excise upon Spirituous Liquors for the County of York.

In Council; Read & Concur'd; And John Hill Esqr is joined in the Affair. [*Passed December 24.*

Legislative Records of the Council, xx., 353.

House Journal, p. 177.

## CHAPTER 189.

VOTE APPOINTING A COMTEE FOR FARMG OUT THE EXCISE ON STRONG LIQUORS IN BRISTOL CO.

In the House of Representatives;

*Voted* that Ephraim Leonard Esqr & Mr Israel Tisdale with such as the Honble Board shall join, be a Committee to farm out the Excise upon Spirituous Liquors for the County of Bristol; In Council; Read & Concur'd, and George Leonard Esqr is joined in the Affair. [*Passed December 24.*

Legislative Records of the Council, xx., 353.

House Journal, p. 177.

## CHAPTER 190.

VOTE APPOINTING A COMTEE FOR FARMG OUT THE EXCISE ON STRONG LIQUORS IN NANTUCKET CO.

Legislative Records of the Council, xx., 353.

House Journal, p. 177.

In the House of Representves

*Voted* that Capt Obed Huzzey & Cpt Jonathan Coffin with such as the honble Board shall join, be a Committee to farm out the Excise upon Spirituous Liquors for the County of Nantucket.

In Council; Read & Concur'd; And John Bunker Esqr is joined in the Affair. [*Passed December 24.*

## CHAPTER 191.

ORDER DIRECTING THE PAYMENT OF £987. 7. 8 TO THE WORKMEN AND TRANSPORTS EMPLOYED IN THE EXPEDITION UP THE KENEBECK RIVER.

Legislative Records of the Council, xx., 353. Mass. Archives, lxv., 51.

House Journal, p. 173. Province Laws, iii., 800, chap. 23.

In the House of Rep

It appearing to this House that the pay of the Officers & Soldiers Employ'd in [the][1] late Expedition amounts to no more than five thousand thirteen pounds 7/8 And that there will be a remainder of the late Supply of Six thousand pounds the sum of Nine hundred eighty seven pounds 7/8

Therefore

*Ordered* that the province Treasurer be directed to pay out the Said sum of 987.7.8 to the workmen & transports employed in Sd Expedition

In Council Read and Concur'd. [*Passed December 24.*

## CHAPTER 192.

ORDER FOR BEDS & BLANKETS TO BE SENT TO FORT HALIFAX.

Legislative Records of the Council, xx., 353. Mass. Archives, lxxiv., 302.

House Journal, pp. 168 *ter*, 169, 172, 174. *Post*, p. 246, chap. 199.

*Ordered* that the Commissary General forthwith provide Twenty Double Beds & forty Single Blankets & cause the Same to be transported to Fort Hallifax on Kenebeck River for the Use of the forty men Ordered for the reinforcement of that Garrison during their Continuance there. [*Passed December 24.*

## CHAPTER 193.

VOTE FOR THE PROVCE TREASR GIVG BOND.

Legislative Records of the Council, xx., 353.

Mass. Archives, cili., 268. House

In the House of Representatives;

*Voted* that no Person that shall be elected by this Court into the Office of a Treasurer or Receiver General of this Province for the present Year shall be esteemed duly qualified to enter upon the Execution of that Office, untill he shall first have an Oath administerd

[1] Inserted from Legislative Records of the Council, xx., 353.

to him for his faithfully performing his said Office and shall also give Bond with sufficient Sureties to the Acceptance of the Committee appointed by the Court for that Purpose, in the Sum of Twenty thousand Pounds, Lawful Money, to the three eldest Councellors in the Province for the Time being; Who are hereby appointed a Com^tee^ in behalf of the Province, & especially authorized for this Purpose; Which Bond shall be conditioned for such Treasurers truly & faithfully discharging the Duty of his Office according to Law, and for his rendering an Accompt when & so often as he shall be required by the General Court, of all such Sums of Money as he shall from time to time receive into the Treasury, & for his well & truly paying to his Successor in said Office, or to any others that may be appointed by the General Court to receive the same; All such Sum or Sums of Money as upon such Settlement of his said Accompt or otherwise, shall be found due, & payable, from him to the Province, provided that the Bond be put in Suit within two Years next after the Date thereof, Otherwise to be void & of none Effect: And that James Allen & William Brattle Esq^rs^ with such as the hon^ble^ Board shall join, be a Com^tee^ to judge of the sufficiency of such as may offer to become Sureties for the Treasurer as aforesaid.

Journal, pp. 175, 176. *Ante*, p. 30, chap. 61.

In Council; Read & Concur'd, And Jacob Wendell Esq^r^ is joined in the Affair. [*Passed December 24.*

## CHAPTER 194.

VOTE APPOINTING A COM^TEE^ FOR FARM^G^ OUT THE EXCISE ON STRONG LIQUORS IN MIDDLESEX COUNTY.

In the House of Rep^s^

*Voted* that Col Brattle & M^r^ James Russel with such as the Hon^ble^ Board shall join be a Committee to Farm out the Excise Upon Spirituous Liquors for the County of Middlesex.

Legislative Records of the Council, xx., 352. Mass. Archives, cxix., 704[a].

In Council Read and Concur'd and Ezekiel Chever Esq^r^ is joined in the Affair. [*Passed December 26.*[1]

House Journal, p. 177.

## CHAPTER 195.

VOTE APPOINTING A COM^TEE^ FOR FARM^G^ OUT THE EXCISE ON STRONG LIQUORS IN HAMPSHIRE COUNTY.

In the House of Rep^r^

*Voted* that Oliver Partridge & Josiah Dwight Esq^rs^ with such as the hon^ble^ Board shall join be a Committee to Farm out the Excise upon Spirituous Liquors in the County of Hampshire

Legislative Records of the Council, xx., 352. Mass. Archives, cxix., 704.

In Council Read and Concur'd And Eleazer Porter Esq^r^ is joined in the Affair. [*Passed December 26.*[1]

House Journal, p. 177.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 24.

## CHAPTER 196.

VOTE APPOINTING A COMTEE FOR FARMG OUT THE EXCISE ON STRONG LIQUORS IN SUFFOLK COUNTY.

Legislative Records of the Council, xx., 352. Mass. Archives, cxx., 22.

House Journal, p. 177.

In the House of Representatives

*Voted* that Capt Joseph Williams and Robert Spur Esqr with such as the Honble Board shall Join be a Committee to Farm out the Excise on Spirituous Liquors [for the County of Suffolk].[1]

In Council Read and Concur'd and Joseph Richards Esqr is joined in the Affair. [*Passed December 26.*[2]

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## CHAPTER 197.

VOTE APPOINTING A COMTEE FOR FARMG OUT THE EXCISE ON STRONG LIQUORS IN WORCESTER COUNTY.

Legislative Records of the Council, xx., 352. Mass. Archives, cxx., 19.

House Journal, p. 177.

In the House of Representatives

*Voted* that Timothy Ruggles and Moses Marcy Esqrs with such as the Honble Board shall join be a Committee to Farm out the Excise upon Spirituous Liquors for the County of Worcester

In Council Read and Concurd and William Richardson Esqr is joined in the Affair. [*Passed December 26.*[2]

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## CHAPTER 198.

ORDER ALLOWING £3. 15. 4 TO JNO MANSFIELD.

Legislative Records of the Council, xx., 362. Mass. Archives, lxxiv., 229.

Legislative Records of the Council, xx., 275. House Journal, pp. 167, 180.

A PETITION of John Mansfield a Soldier in the late Expedition upon Kennebeck River, shewing that upon his Return he was visited with Sickness, praying that the Charge thereof may be paid out of the publick Treasy.

Read &

*Ordered* that the prayer of the Petition be granted And that the petr John Mansfield be Allowed & paid out of the publick Treasury the Sum of Three pounds 15/4 to Enable him to discharge his Docts Acct & Nursing. [*Passed December 26.*[3]

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## CHAPTER 199.

VOTE DIRECTING THAT FORT HALIFAX BE FURTHER FORTIFIED & RECRUITS SENT THERE.

Legislative Records of the Council, xx., 356.

*Voted* that His Excellency the Captain General be desired as soon as may be, to appoint some suitable Person to repair to Fort Halifax on Kennebeck River, with special Authority to strengthen the

[1] Inserted from Legislative Records of the Council, xx., 352.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 24.

[3] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 31.

same, as also the Block House or Redoubt on the Hill near the same, in such Manner as to make the same Proof against small Cannon in such Parts of those Fortresses, as are exposed to the Approach of an Enemy; and that the said Person be authorized to govern & conduct the whole Affairs of said Garrison during his Stay there; And that he be directed to employ the Soldiers in Scouting & Garrison Duty; also to do the Labour necessary to strengthen said Fortresses, at such moderate Rates as he may agree with them: And in Case of the Death or Sickness of said Person that His Excellency be desired to appoint some other Person to perfect the same.

Mass. Archives, lxxiv., 305. House Journal, pp. 172, 179. *Ante*, p. 244, chap. 192.

And also that the Captain General be desired to give Orders for reinforcing said Garrison with Forty effective Men, to be taken out of the Independent Companies at the Eastward; and further that the Captain General be desired to order that Four hundred & sixty Men more, to be raised out of the said Independent Companies, & the Militia nearest the said Garrison, from whence they may be best spared, to be held in rediness to march instantly for their Relief on the first Advice of an Attack, or the Approach of an Enemy; And that the said Forty Men be kept in the Pay of the Government, during the Time the Works are carrying on for strengthning said Fortresses (not exceeding two Months from the tenth of January next), & then dismiss'd: And that the said Four hundred & sixty Men aforesaid be entitled to no Pay, but from the Day they shall march. [*Passed December 26.*

## CHAPTER 200.

ORDER GRANTING TO ROB$^{T}$ STEEL LICENCE TO SELL MALT LIQUORS.

A Petition of Robert Steel of Boston, shewing that he has set up the Trade of Brewing of Malt Liquors in said Town; which he hopes will be of publick Benefit, Therefore Praying that the Court of General Sessions of the Peace for the County of Suffolk, may be impowered to grant the Pet$^{r}$ a Licence to sell Malt Liquors by Retail in the said Town.

Legislative Records of the Council, xx., 356. Mass. Archives, lix., 409.

Read &

*Ordered* that the prayer of the Petition be so far granted that the Justices of the Court of General sessions of the peace for the County of Suffolk at their Next Term be & hereby are Authorized & Impowered to Licence the pet$^{r}$ (if they See fit) to be a retailer of Strong Beer he obtaining the approbation of the select men of the Town of Boston the time for granting of Licences being Elapsed Notwithstanding. [*Passed December 26.*

Mass. Archives, lix., 408. House Journal, pp. 176, 177.

## CHAPTER 201.

ORDER GRANTING TO BENJ$^{A}$ BOWDEN LICENCE TO KEEP AN INN.

A Petition of Benjamin Bowden of Lyn, shewing that he is Owner of the House in said Town, called the Sloop Tavern, which has for more than Twenty Years been used as an Inn by his Father & Mother (now dec$^{d}$) Praying that the Court of General Sessions of

Legislative Records of the Council, xx., 357. Mass. Archives, cxi., 360.

Mass. Archives, cxi., 362. House Journal, p. 181.

the Peace for the County of Essex, may be impowered to grant the Petitioner a Licence to keep an Inn in the said House:

Read &

*Ordered* that the prayer of the pet$^{n}$ be So far granted that the Justices of the Court of General sessions of the peace for the County of Essex at their Next Term are hereby enabled to Licence the pet$^{r}$ Benj Bowden (if they see fit) an Inholder in s$^{d}$ Town he obtaining the Approbation of the Selectmen of s$^{d}$ Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed December 27.*

## CHAPTER 202.

### ORDER FOR ADJOURN$^{G}$ THE COURTS IN ESSEX COUNTY.

Legislative Records of the Council, xx., 358. Mass. Archives, xliv., 98.

House Journal, p. 185. Province Laws, iii., 64, chap. 32.

WHEREAS divers of the Justices of the Court of General Sessions of the Peace & Inferiour Court of Common Pleas which by Law are to be holden at Salem for the County of Essex on the last Tuesday of December Instant, are Members of this Court; and the important Affairs of the Province now depending, require their Attendance: Wherefore,

*Ordered* that the Courts aforementioned (that were to be held at the time aforesaid) be adjourned to Tuesday the twenty first of January next, to be held at the Court House in said Town of Salem at ten of the Clock in the Forenoon of said day: And all Pleas, Writts, Actions, Suits, Plaints, Processes, Precepts, Recognizances, & other thing & things whatsoever, returnable or having day or days in the said Courts shall stand abide and continue unto the said Adjournm$^{t}$ and be held, deemed & adjudged to be as good, effectual & available in Law to all Intents, Constructions & Purposes, as if such Courts had been held & kept on the day by Law for holding the same, & no Adjournm$^{t}$ thereof had been made. [*Passed December 28.*

## CHAPTER 203.

### ORDER ALLOWING PAY FOR CONNEC$^{T}$ SOLDIERS.

Legislative Records of the Council, xx., 358. Mass. Archives, lxxiv., 306.

Mass. Archives, lxxiv., 306. House Journal, pp. 180, 183. *Ante*, p. 223, chap. 136.

A PETITION of Capt Israel Ashley of Westfield,[1] shewing that in the late Allarm at Stockbridge when the Indians attacked the Inhabitants of that & some of the Neighbouring Places, the Petitioner & some others retained some of the Connecticut Soldiers for their Protection, Engaging by Promise that they should be paid for their Service, Praying that this Court would allow Pay, for the said Men accordingly.

[Read &]

*Ordered* that the prayer of the Petition be so far granted that there be Allowed for one Captain at the Rate of Two pounds 13/4 ℔ month one sergeant at one pound 15/1 ℔ month & thirteen Centinals at one pound 6/8 ℔ month. [*Passed December 28.*

[1] The House Journal, p. 180, reads, "*Sheffield.*"

## CHAPTER 204.

ORDER ALLOWING £21. 5. 2 TO JOSEPH DWIGHT, ESQR, AND £1. 14. 4 TO ELIJAH WILLIAMS.

A Petition of Joseph Dwight Esqr shewing that the Petr & Mr Elijah Williams were put to great Expence for the Security & Protection of the People of Stockbridge in the Time of the late Alarm by the Indians on that Frontier, Praying that their Charge may be paid out of the publick Treasury;

Legislative Records of the Council, xx., 358. Mass. Archives, lxxiv., 298.

Read &

*Ordered* that the prayer of the Petition be So far granted that there be Allowed & paid out of the publick Treasury to the petr Joseph Dwight Esqr The Sum of twenty one pounds 5/2 & to Mr Elijah Williams the Sum of One pound 14/4 for their Billeting Soldiers & pasturing horses Agreeable to their Accts. [*Passed December 28.*

Mass. Archives, lxxiv., 299, 300. House Journal, pp. 173, 183, 184.

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## CHAPTER 205.

ORDER ALLOWING £13. 6. 8 TO JONATHN KENNY.

A Petition of Jonathan Kenny, shewing that Benjamin Blackman a Soldier in the late Expedition on Kennebeck River, after his Return was taken ill of a Camp Fever, and brought to the utmost Hazzard of Life in the Petrs Family in Stoughton: And for as much as the said Blackman has no Estate to defray the Charge of his Sickness, Praying that it may be paid out of the publick Treasury;

Legislative Records of the Council, xx., 359. Mass. Archives, lxxiv., 291.

Read &

*Ordered* that the prayer of the petn be so far granted as that the Sum of Thirteen pounds 6/8 be paid out of the publick Treasury to the petr in full of his Account Including the Doctrs Bills for taking Care of Benja Blackman mentioned In the petn. [*Passed December 28.*

Mass. Archives, lxxiv., 290–293. Legislative Records of the Council, xx., 275. House Journal, pp. 155, 167, 183.

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## CHAPTER 206.

VOTE FOR COMTEE FOR FARMING THE EXCISE TO ADVERTISE THE SALE THEREOF.

*Voted* that the Committees Appointed to Farm out the Excise On Spirituous Liquors in the Several Counties Advertise the same in the Publick prints one month at Least before the Sale & also in such parts of their respective Counties as they Judge likely the prints will not reach & wherever the Committees Suspect a Combination as to the purchase of the Excise that they be & hereby are Impowered to Contract & Agree for the Same otherwise than by publick Vendue. [*Passed December 30.*

Legislative Records of the Council, xx., 359. Mass. Archives, cxx., 7.

House Journal, p. 185. *Ante*, pp. 242–244, chaps. 184–190; pp. 245–246, chaps. 194–197.

## CHAPTER 207.

Legislative Records of the Council, xx., 359. Mass. Archives, cxx., 7.

ORDER DIRECTING THE COMMITTEE TO AGREE UPON THE TIME FOR FARMING THE EXCISE.

House Journal, p. 185. *Supra*, chap. 206.

*Ordered* that the Committees Appointed by this Court to Farm out the Excise upon Spirituous Liquors for the Several Counties that are now at Court Meet & Agree Upon Suitable times for for[1] farming the Same in the several Counties. [*Passed December 30.*

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## CHAPTER 208.

ORDER ALLOWING £50 TO HARRISON GRAY, TREASURER.

Legislative Records of the Council, xx., 360. Mass. Archives, ciii., 262.

A PETITION of Harrison Gray Esq[r] Treasurer of this Province, shewing that he has had extraordinary Trouble in Exchanging of Bills & Governm[t] Securities, & borrowing Money for Paying the Debts of the Province, & has been obliged to hire a Clerk to assist him: Praying that the Court would make a proper Allowance for his extraordinary Charge & Trouble above mentioned.

Mass. Archives, ciii., 260. House Journal, pp. 180, 185, 186.

Read &

*Ordered* that there be Allowed to the pet[r] the Sum of fifty pounds out of the publick Treasury in full for his extraordinary care & Trouble & Expences in hiring a Clerk for receiving in and exchanging the Bills of Credit of this Government. [*Passed December 30.*

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## CHAPTER 209.

ORDER ALLOWING £150 TO THE RUMFORD INHAB[TS].

Legislative Records of the Council, xx., 360. Mass. Archives, cxvi., 722.

A PETITION of Benjamin Rolfe Esq[r] in behalf of himself & the rest of the Inhabitants of the Town of Rumford shewing that they purchased the Lands they are now settled upon in the said Town, of this Government, that now they have expended their Estates in making great Improvements on the said Lands, they are harrass'd in the Law by vexatious Actions bro't against them by the Inhabitants of Bow in the Province of New Hampshire, that the Petitioners have appealed to the King & Council, & a Hearing appointed thereon, Praying that this Court would make a further Grant to them for defraying the Charge of defending their just Rights derived from this Governm[t]

Mass. Archives, cxvi., 721. House Journal, pp. 180, 186. *Ante*, p. 45, chap. 98.

Read &

*Ordered* that the Sum of One Hundred & fifty pounds Sterling be paid out of the publick Treasury to the petitioner for the Use of the Rev[d] M[r] Walker now in England prosecuting the Appeal referred to in the petition as Agent for the Appellant to be laid out for the purposes within mentioned. [*Passed December 30.*

[1] *Sic.*

## CHAPTER 210.

ORDER ALLOWING £65 PER ANNUM FOR TWO YEARS PAST TO THE SECRETARY.

A Memorial of Josiah Willard Esq[r] Secretary of this Province, shewing that agreable to the Order of the General Court held at Concord in May 1752, he provided himself with an Assistant in his Office who has served as Deputy Secretary ever since, Praying that this Court would order an Allowance for him equal to the Labour of his Office & his Faithfulness therein.

Legislative Records of the Council, xx., 362.

House Journal, pp. 180, 190. Province Laws, xiv., 632, chap. 4.

Read &

*Ordered* that there be allowed & paid out of the publick Treasury to the Petitioner Josiah Willard Esq[r] the Sum of Sixty five Pounds ℔ Annum for two Years past ending the thirtieth of May last, in Consideration of his having been obliged to employ a Clerk during said Time. [*Passed January 2.*

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## CHAPTER 211.

ORDER DIRECTING THE COMMISSARY GENERAL TO SEND STORES TO FORT HALIFAX.

Legislative Records of the Council, xx., 363. Mass. Archives, lxxiv., 308.

*Ordered*, that the Commissary General be directed (as Soon as may be) to Send by Cap[t] Sanders the Stores he has provided for Fort Hallifax on Kenebeck river & the other Garrisons in the Eastern parts of the province. [*Passed January 2.*

Legislative Records of the Council, xx., 311. House Journal, p. 190. *Ante*, p. 96, chap. 228.

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## CHAPTER 212.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF ASSESSORS OF THE TOWN OF BOSTON IN REGARD TO AN ACTION OF TRESPASS.

A Petition of Nathaniel Barber & others Assessors of the Town of Boston, shewing that Andrew Oliver Esq[r] & William Phillips at the Inferiour Court of Common Pleas held at Boston for the County of Suffolk, brôt their Action of Tresspass against them for rating them as Persons in Trust for the Improvement of the Estate of M[r] Thomson in Great Britain, being in said Town of Boston at which Trial the Jury found in favour of the Petitioners, but the Court set aside their Verdict & ordered a new Trial, Praying for Relief from this Court.

Legislative Records of the Council, xx., 301, 363. Mass. Archives, cxvi., 735.

Mass. Archives, cxvi., 734. House Journal, pp. 85, 107, 126, 190.

The Committee to whom was referr'd the Petition of the Assessors of the Town of Boston & Answer thereto, having heard the Parties & considered the Matters in Dispute between them, report as follows; viz[t]

That it appears to them that the Respondents have been for some time past intrusted by M[r] Thompson in England to take the Care & Oversight of sundry Parcels of his Real Estate in this Province & elsewhere, & to receive the Rents arising therefrom; That these Parcels of Real Estate have from time to time been taxed in

the several Towns & Places where they ly; That the Rents or Incomes of that Estate (after the Payment of those Taxes) came into the Hands of the Respondents, & were by them in part transmitted to M^r^ Thompson, and in Part expended in building on his Lands by Means whereof the Value of his Real Estate has been enhaunced, & thereby subjected to the Payment of greater Taxes for the future in the several Towns where they are situated: That it doth not appear that any Part of the Rents, received by the Respondents was put out at Interest, or otherwise improved in Trade or Business, whereby the Sum could be in any Measure augmented, or any additional Gain arise from it; That the Assessors of the Town of Boston (where the Respondents dwell) conceiving that not only the Profits, which they supposed to have accrued by these Rents put out at Interest, or otherwise improved for a further Additional Gain, but that even the Rents arising, arose from Real Estates that had before been taxed were by Law subject to be taxed also, they accordingly imposed a Rate or Tax thereon, and Distress was made for the same which gave Rise to the Suit now depending between them & the Respondents in the Law,

The several Facts appearing to the Committee to be such they are humbly of Opinion, That althô the Assessors (in Case they were persuaded that some Profit had accrued by the Improvement of these Rents in the Hands of the Respondents) might well adjudge those Profits to be rateable, Yet that their Proceedure in Taxing the Rents themselves was founded upon a Mistaken Construction of the Law; which expressly exempts such Estate, as has been otherwise assess'd, & has paid else where from any further Tax,

This we apprehend to be the present Case, in as much as those Rents arose on Lands, that had from time to time paid Taxes in the several Towns where they ly, in making & apportioning whereof, according to the Rule of Law regard is always had not to the real Value of the Lands, but to the Rents or Profits arising from them, and those Rents only are estimated & put into the Lists of Valuation & assessed, and not the Glebe, & consequently are not liable by Law to a furthur Assessment; and that the Law ought so to be understood is further Evident from the Resolution of this Court in a similar Case mentioned by the Respondents; The Committee therefore humbly report as their Opinion, that the Tax which gave Occasion to the Action now depending, be remitted, that the present Assessors be authorized & directed to sink or remitt the same, and to discharge the Collectors therefrom, That what has been taken by Distress be refunded or returned to the Respondents, & that the Respondents discontinue the Suit now depending in the Law.

Which is humbly submitted,

By Order of the Com^tee^ SAM^L^ DANFORTH.

Read and Accepted and

*Ordered* that the several Parties mentioned be and hereby are required to conform themselves accordingly. [*Passed January 2.*

## CHAPTER 213.

VOTE CONFIRMING THE PROCEEDINGS OF THE SELECTMEN OF THE TOWN OF REHOBOTH.

A Petition of the Select Men of the Town of Rehoboth, shewing that by Reason of some defects in the Proceedings of the said Town in the Year 1751. in Relation to the Committment of the Taxes, there is likely to be Difficulty in gathering the Ministerial Taxes, Therefore Praying that this Court would establish the said Proceedings, Notwithstand$^{g}$ the Want of Formality in the Law;

[Read &]

*Voted* that the Prayer of the Petition Be so far Granted as That ye Proceedings of the selectmen In Giveing the Warrant to Ephraim Hunt Junr to Collect the then Remaining Part of the ministerial Taxes for ye year 1751 Be and are Hereby Confirmed and Established and shall Be Good & valid to all Intents & Purposes In the Law and the said Ephraim is fully Authorized and Impowered to Collect the Remaining Part of the ministerial Tax afores$^{d}$ as fully as If he had Been Chosen Collector In March Last And to Account In the same mañer as Other Collectors By Law are Obliged to do. [*Passed January 2.*

Legislative Records of the Council, xx., 364. Mass. Archives, cxvi., 766.

Mass. Archives, cxvi., 765. House Journal, pp. 53, 156, 189.

## CHAPTER 214.

VOTE DIRECTING THE DISCHARGE OF THO$^{s}$ GILL.

A Petition of Thomas Gill of Hingham shewing that at the Superiour Court of Judicature for the County of Suffolk held at Boston in August last in an Action commenced by Thomas Payne, Judgment was Enter'd up against the Petitioner, & Execution thereupon served on him, althô he was never summoned to answer to the said Action, Praying that he may be set at Liberty.

Read &

*Voted* that the prayer of the petition be granted & that the pet$^{r}$ Tho$^{s}$ Gill be Discharged from the Commitment by force of the Execution within mentioned & that S$^{d}$ Execution So far as it concerns S$^{d}$ Gill be & hereby is Vacated provided Nevertheless that the s$^{d}$ Execution shall remain in the same force Against the other persons therein mentioned & in the same manner as if the S$^{d}$ Gills name had not been Inserted in S$^{d}$ Judgm$^{t}$ & Execution & that the Sheriff be directed to discharge S$^{d}$ Gill Accordingly. [*Passed January 2.*[1]

Legislative Records of the Council, xx., 365. Mass. Archives, xix., 234.

Mass. Archives, xix., 232. House Journal, p. 192.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 3.

Legislative Records of the Council, xx., 365. Mass. Archives, lxxiv., 309.

Legislative Records of the Council, xx., 355. House Journal, pp. 179, 180, 189. Province Laws, xiv., 507, chap. 252.

## CHAPTER 215.

VOTE ALLOWING £100 FOR REPAIRS AT CASTLE WILLIAM.

*Voted* that the Sum of One Hundred pounds be put into the Hands of the Committee Upon the Repairs of the Castle in Order to Effect the repairs of the South Barrack the Barge house on the South point as also the house for the Officers S$^{d}$ Committee are hereby directed to lay it out in doing what at present is of greatest Necessity & Specially directed not to exceed S$^{d}$ Sum. [*Passed January 2.*[1]

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## CHAPTER 216.

Legislative Records of the Council, xx., 365. Mass. Archives, xxi., 209.

ORDER ALLOWING £60 TO AGENT BOLLAN FOR AN OMISSION IN HIS ACCO$^{T}$.

House Journal, p. 193. Province Laws, xiv., 331, chap. 166.

*Ordered* that the Sum of Sixty pounds Sterling be Allowed & paid out of the Publick Treasury to M$^{r}$ Agent Bollan it Appearing that Sum was omitted in his Accompt exhibited in the Year 1749. [*Passed January 3.*

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## CHAPTER 217.

Legislative Records of the Council, xx., 365. Mass. Archives, xxi., 211.

ORDER ALLOWING £80 TO AGENT BOLLAN FOR EXTRAORDIN$^{Y}$ EXPENCES.

House Journal, p. 193. *Supra*, chap. 216. *Post*, p. 255, chap. 220.

*Ordered* that the sum of Eighty pounds Sterling be Allowed & paid out of the Publick Treasury to M$^{r}$ Agent Bollan in Consideration of So much paid by him for extraordinary Expences while he was Soliciting the parliamentary Grant for this Province. [*Passed January 3.*

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## CHAPTER 218.

ORDER ALLOWING £176. 5 TO AGENT BOLLAN FOR INTEREST ON A FORMER GRANT NOT PAID.

Legislative Records of the Council, xx., 365. Mass. Archives, xxi., 212.

*Ordered* that there be Allowed & paid out of the Publick Treasury to M$^{r}$ Agent Bollan the Interest of the fifteen hundred pounds Sterling that was granted to him by this Court the 24 of January 1752 from the S$^{d}$ 24 of Jan$^{ry}$ to this time it Appearing that he hath not as Yet received Said Grant Said Interest Amounting to the Sum of One Hundred & Seventy Six pounds five shillings Sterling. [*Passed January 3.*

House Journal, p. 193. Province Laws, xiv., 593, chap. 138.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 3.

## CHAPTER 219.

ORDER ALLOWING £1,000 TO AGENT BOLLAN FURTHER TO ENABLE HIM TO SOLICIT THE PROV$^{CE}$ BUSINESS.

*Ordered* that the Sum of One Thousand pounds Sterling be Allowed & paid out of the publick Treasury to M$^{r}$ Agent Bollan to Enable him further to Solict the Affairs of this Province at the Court of Great Brittain And that the Treasurer be directed to Transmit the Same to him as soon as may be. [*Passed January 3.*

Legislative Records of the Council xx., 365. Mass. Archives, xxi., 213.

House Journal, pp. 169, 174, 193.

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## CHAPTER 220.

ORDER ALLOWING £1,500 TO AGENT BOLLAN FOR FIVE YEARS SERVICES.

*Ordered* that the Sum of fifteen Hundred pounds Sterling be Granted & paid out of the publick Treasury to M$^{r}$ Agent Bollan in full for his Services as Agent for this province at the Court of Great Brittain for the last five Years. [*Passed January 3.*

Legislative Records of the Council, xx., 365. Mass. Archives, xxi., 214.

House Journal, p. 193. Province Laws, xiv., 593, chap. 138.

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## CHAPTER 221.

ORDER ALLOWING ANDREW HALL TO RETURN LAND PURCHASED OF PROVINCE.

A Petition of Andrew Hall of Boston, shewing that he purchased of a Committee of the General Court a Parcel of Land at Lunenburgh, that Cp$^{t}$ Job Prince & John Kneeland jun$^{r}$ were bound to the Treasurer together with the Petitioner for the Payment of the Purchase Money, and did agree with the Petitioner to take two Thirds of the said Land, that Kneeland is since dead, & Prince declines having any thing to do in it, That the Treasurer has sued the Petitioners Bond, and has recovered Judgment & taken out Execution against the Petitioner; And for as much as he has met with great Losses in his Business, Praying that he may be allowed to return the said Land to the Province, & be discharged from the Judgment recovered against him.

Read &

*Ordered* that the prayer of the Petition be granted and that upon the petitioner's delivering the Deed of the Land mentioned in the petition (which it Appears has not been recorded) to the province Treasurer & all Charges that have Arisen by reason of the Bond within mentioned being put in Suit That then the province Treasurer be directed to discharge the Execution mentioned in this petition. [*Passed January 4.*

Legislative Records of the Council, xx., 367. Mass. Archives, xlvi., 370.

Mass. Archives, xlvi., 369. House Journal, pp. 187, 194. Province Laws, xiv., 642, chap. 36.

## CHAPTER 222.

ORDER ACCEPTING REPORT OF COMMITTEE ON A LETTER FROM LADY WARREN.

Mass. Archives, cclxxxiii., 65.

Legislative Records of the Council, xx., 336. House Journal, pp. 138, 161, 197, 198.

THE COMMITTEE appointed to take, under Consideration a Letter from Lady Warren, advising, that she had wrote to her Agent to pay to the Order of this Governm^t^ Seven hundred Pounds Sterling with Interest from 25 March 1751: are of Opinion that the Treasurer be directed to receive said Money, and give a proper Discharge for the same; and that the Interest thereof be annually applied towards the Education of Indian Children, agreable to the Intention of her late Husband S^r^ Peter Warren deceas'd. and that the Secretary be directed to write to Lady Warren, & return the Thanks of this Court to her Ladyship for the Readiness she has shown to have this good design carried into Execution. Which is humbly submitted by order of the Committee AND^w^ OLIVER

Read &

*Ordered* that this Report be accepted. [*Passed January 6.*

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## CHAPTER 223.

ORDER ALLOWING £14. 8 AND A FURTHER SUM OF £50 TO ROB^T^ BALL.

Legislative Records of the Council, xx., 368. Mass. Archives, lxv., 53.

Mass. Archives, lxv., 52. House Journal, pp. 178, 196.

A PETITION of Robert Ball, Keeper of the Light House on Beacon Island, setting forth the Difficulty of his Business & the Insufficiency of the Allowance made him for his Support, & Praying for an Allowance for his last Years Service, with some Augmentation, & for reimbursing him his Expence for Fire Wood to prevent the Oyl in the Lamps Congealing in the Winter Season:

Read &

*Ordered* that the prayer of the pet^n^ be so far granted as that the pet^r^ Rob^t^ Ball be Allowed & paid out of the Publick Treasury the Sum of fourteen pounds eight shilling for the Cordwood Expended for the benefit of the Lights & the further Sum of fifty pounds in full for his Service as Keeper of the Light House. [*Passed January 6.*

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## CHAPTER 224.

ORDER ALLOWING £2. 13. 4 TO BENJ^A^ FOSTER.

Legislative Records of the Council, xx., 368. Mass. Archives, lxxiv., 301.

Mass. Archives, lxxiv., 301. Legislative Records of the Council, xx., 275. House

A PETITION of Benjamin Foster an Officer in the late Expedition on Kennebeck River, shewing that by Means of the Difficulties endured in the said Service, upon his Return he fell into a dangerous Fever, which was expensive, Praying that the Charge may be paid out of the publick Treas^y^

Read &

*Ordered* that the prayer of the Petition be so far granted that there be Allowed & paid out of the Publick Treasury the Sum of

Two pounds thirteen shillings & four pence to the Petitioner Benj[a] Foster to enable him to pay his Nursing Doct[r] &c. [*Passed January 6.*[1]

Journal, pp. 191, 195.

## CHAPTER 225.

ORDER ALLOWING £3. 3. 6 TO JOSEPH JONES.

A Petition of Joseph Jones a Soldier in the late Expedition upon Kennebeck River, shewing that after his Return he fell Sick, which put him to great Expence, Praying that it may be discharged out of the publick Treas[y]

Legislative Records of the Council, xx., 369. Mass. Archives, lxxiv., 297.

Read &

*Ordered* that the prayer of the petition be so far granted that there be Allowed & paid out of the publick Treasury to the petitioner Joseph Jones the Sum of Three pounds three shillings & Six pence to Enable him to pay his Doct[r] & Nurses as mentioned in the pet[n]. [*Passed January 7*

Mass. Archives, lxxiv., 297. House Journal, pp. 191, 197.

## CHAPTER 226.

ORDER GRANTING TO EBEN[R] ELLINGWOOD LICENCE TO SELL STRONG DRINK.

A Petition of Ebenezer Ellingwood, shewing that he has for some time past, kept an Inn in the Town of Beverly, but being now concerned in the Fishery, Therefore Praying that the Court of General Sessions of the Peace for the County of Essex, may be impowered to grant him a Licence to be a Retailer.

Legislative Records of the Council, xx., 369. Mass. Archives, cxi., 336.

Read &

*Ordered* that the prayer of the petition be so far granted as that the Justices of the Court of General Sessions of the peace for the County of Essex at their Next Term be impowered (if they See fit) to Licence the petitioner to be a retailer of Spirituous Liquors in the Town of Beverly he first Obtaining the Approbation of the Selectmen of S[d] Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed January 7.*

House Journal, pp. 199, 200.

## CHAPTER 227.

ORDER DIRECTING AGENT BOLLAN IN HIS ADDRESS TO HIS MAJESTY TO REQUEST THAT THE MOTIONS OF Y[E] FRENCH SHIPS MAY BE WATCH'D.

Legislative Records of the Council, xx., 370. Mass. Archives, xxi., 217.

*Ordered* that the Committee Appointed to prepare a Letter to M[r] Agent Bollan be directed therein particularly to Instruct him to Address his Majesty that the French Ships of War Coming to Any parts of North America May be Watched & Suitable Strength be sent Against them for the protection of the Colonies. [*Passed January 7.*[2]

Legislative Records of the Council, xx., 366. House Journal, p. 199.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 7.

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 8.

## CHAPTER 228.

ORDER ALLOWING £130 TO MAJOR GEN$^{L}$ WINSLOW.

Legislative Records of the Council, xx., 369. Mass. Archives, lxxiv., 314.

Legislative Records of the Council, xx., 327. House Journal, pp. 124, 202. Province Laws, iii., 836, note.

*Ordered* that there be Allowed & paid out of the publick Treasury to Maj$^{r}$ General Winslow the Sum of One Hundred & thirty pounds in full for his Services as Chief Commander of the Forces sent the Last summer up Kenebeck River for building a Fort there. [*Passed January 8.*

## CHAPTER 229.

VOTE ACCEPTING THE REPORT OF THE TRUSTEES OF THE LINNEN MANUFACTURE.

Legislative Records of the Council, xx., 370. Mass. Archives, cxxi., 299.

Mass. Archives, cxxi., 298$^{a}$. House Journal, p. 201. Province Laws, iii., 680, chap. 8.

PURSUANT to an Act of the Great & General Court, laying a Tax on certain Wheel Carriages, in Order to raise the Sum of Fifteen hundred Pounds to encourage the Manufacture of Linnen, We the Subscribers appointed Trustees for that Purpose humbly offer an Accompt herewith of what we have received by Virtue of said Act, before the first of October 1754, amounting to £128.19.3 Lawful Money, out of which we have paid £115 towards purchasing a Peice of Land, whereon has been erected an House for carrying on said Manufacture; We beg leave further to report that we have been obliged, thô very unwillingly, to sue many Persons who have been deficient in their Payment, and fear, we shall be obliged to sue many more, who are deficient the Current Year.

THOMAS GUNTER — WILLIAM CLARKE
W$^{M}$ BOWDOIN — ANDREW OLIVER
MIDDLECOT COOK — THOMAS GREEN

Read & Accepted. [*Passed January 8.*

## CHAPTER 230.

ORDER GRANTING TO JOSEPH WILSON LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 370. Mass. Archives, cxl., 333.

House Journal, p. 200.

A PETITION of Joseph Wilson of Boston, Innholder, shewing that by means of his being engaged in the late Expedition Eastward he lost the Opportunity of renewing his Licence in the proper Term, Praying that the Court of General Sessions of the Peace for the County of Suffolk may be enabled to do it in their present Term,

Read &

*Ordered* that the prayer of the petition be So far granted as that the Justices of the Court of General sessions of the peace for the County of Suffolk at their present Session be & hereby are Impowered (if they think fit) to Licence the petitioner to be an Inholder in the Town of Boston he Obtaining the Approbation of the Selectmen of s$^{d}$ Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed January 8.*

## CHAPTER 231.

ORDER GRANTING TO BENJAMIN PRESCOTT LICENCE TO KEEP AN INN, AND TO ARCHELAUS PUTNAM LICENCE TO RETAIL STRONG DRINK.

A Petition of Benjamin Prescot jun$^{r}$ & Archelaus Putnam both of the District of Danvers in the County of Essex, shewing that they are both of them removed unto Houses suitable for carrying on their respective Businesses hereafter mentioned, & Praying that the Court of General Sessions of the Peace for said County may be impowered to grant them Licences; viz$^{t}$ the said Prescot for keeping an Inn & the said Putnam for retaling spirituous Liquors,

Legislative Records of the Council, xx., 371. Mass. Archives, cxi., 335.

Mass. Archives, cxi., 334. House Journal, pp. 201, 202.

Read &

*Ordered* that the prayer of the Petition be so far granted as that the Justices of the Court of General Sessions for the County of Essex at their Next Term be & hereby are Impowered (if they think fit) to Licence the within named Prescott an Inholder & S$^{d}$ Putnam a Retailer of Spirituous Liquors in Said Danvers they Obtaining the Approbation of the Select men of S$^{d}$ Danvers the time for granting of Licences being Elapsed Notwithstanding. [*Passed January 8.*

## CHAPTER 232.

ORDER IMPOWERING EBEN$^{R}$ POOL TO BRING FORWARD A WRIT OF REVIEW.

A Petition of Ebenezer Pool of Glocester, setting forth that Judgment went against him by Default, in an Action brought against him by Peter Curtis, at the Superiour Court for the County of Suffolk, held in August last; which was owing to the Pet$^{rs}$ Attorney's being at Halifax (then utterly unknown to him) Therefore Praying that he may be allowed a new Trial, and that in the mean Time the Execution against him may be stayed.

Legislative Records of the Council, xx., 342. Mass. Archives, xliv., 93.

Mass. Archives, xliv., 86, 92. Legislative Records of the Council, xx., 371. House Journal, pp. 148, 183, 203.

Read and

*Ordered* that the Report[1] be Accepted and that the Petitioner Ebenezer Pool on his Paying the Costs arising at the Last Superiour Court be & hereby is impowered to bring forward his Writt of Review at the next Superiour Court of Judicature to be holden at Boston within and for the County of Suffolk on the third Tuesday of February next and the Justices of the said Court hereby are impowered and Directed to hear and try the same enter up Judgm$^{t}$ and award Execution thereon He given Bond in the Clerk's Office of the said Court with sufficient Security to the Adverse Party Peter Curtis to respond the Judgement that shall finally be given on the same Writt with Interest thereon from this day to the Time of Payment. [*Passed January 8.*

[1] The report is not given in Legislative Records of the Council.

## CHAPTER 233.

ORDER APPOINTING A COMMITTEE ON PETITION OF PEQUOIG INHABTS FOR DEFENCE.

Legislative Records of the Council, xx., 371. Mass. Archives, lxxiv., 295.

A PETITION of Joseph Lord Esqr & others, Inhabitants of the Plantation called Pequoig, shewing that they are much exposed to the Attacks of an Enemy, and Praying that the Non Residents may be obliged to settle themselves or others upon their Lots, and that some of their Houses may be fortified at the publick Charge.

Mass. Archives, lxxiv., 295, 296. Legislative Records of the Council, xx., 326. House Journal, pp. 193, 201.

Read &

*Ordered* that the Committee Appointed [by] [1] this Court to Build and repair the Fortifications on the Frontiers between Connecticut & Merimack rivers repair to poquiog & determine what Fortresses are Necessary for the defence of Sd Plantation And in Order to defray the Charges of Building the Same the Said Committee are hereby Authorized and Impowered to make Sale of Part of the Lands in Sd Township of pequiog Not belonging to those Inhabitants there that have fulfilled the Conditions of Settlement enjoined by the General Court & Convey the Same by Deed or Deeds in due form of Law & make report of their doings to the General Court. [*Passed January 8.*

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## CHAPTER 234.

VOTE DESIRING THE CAPTAIN GENERAL TO SEND CORNELIUS CAVENAUGH TO BRUNSWICK FORT.

Legislative Records of the Council, xx., 373. Mass. Archives, lxxiv., 313.

A PETITION of Cornelius Cavenaugh, setting forth his many Years Service as a Soldier, in divers Parts of his Majesty's Dominions, the many Misfortunes he has met with therein, & his present Indigent Circumstances, Praying that he may be posted in some Garrison of one of his Majesty's Forts in this Province,

Mass. Archives, lxxiv., 313. House Journal, pp. 197, 207.

Read &

*Voted* that his Excellency the Captain General be desired to give Orders that the Petitioner Cornelius Cavenaugh be placed as a Supernumerary Soldier at Brunswick Fort. [*Passed January 9.*

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## CHAPTER 235.

VOTE ALLOWING £3. 14. 8 TO HENRY WOODS.

Legislative Records of the Council, xx., 374. Mass. Archives, lxxiv., 303.

A PETITION of Henry Woods of Groton a Soldier in the late Expedition on Kennebeck River, shewing that he was taken sick while he was in the Service at Taconet, that he was put to considerable Charge thereby, Praying that this Court would order Payment of his Expence out of the publick Treasury.

Mass. Archives, lxxiv., 303. Legislative Records of the Council, xx., 275. House Journal, pp. 189, 205.

Read &

*Voted* that there be Allowed & paid out of the publick Treasury the sum of Three pounds 14/8 to the petitioner in full of his Acct paid the Doctor. [*Passed January 9.*

[1] Inserted from Legislative Records of the Council, xx., 371.

## CHAPTER 236.

ORDER FOR CONFIRMING A PLAT OF 1,500 ACRES OF LAND &c^A GRANTED TO JOHN FRANKLYN, ISAAC WINSLOW & COMPANY.

A Petition of John Franklyn & Isaac Winslow & Company, shewing that they have procured the Fifteen hundred Acres of Land granted to them by the General Court for encouraging the Manufacture of Potash, to be laid out, a Plan whereof is herewith presented, Including about Sixty four Acres more, which considering their Losses & Disappointments they pray the whole may be confirmed to them.

Legislative Records of the Council, xx., 374.

House Journal, p. 205. Province Laws, iii., 836, note. *Ante*, p. 113, chap. 261.

Which Land bounds South on the North Line of Sheffield, West on the East Line of Stockbridge partly, & partly on Land formerly belonging to Col° Ephraim Williams dec^d North, partly on said Land, & partly on Capt John Larrabees Land, & partly on Province Lands, East on Province Lands; the first Bound is the Northwest Corner of Sheffield, on Stockbridge Line, thence North 7^D 45^mts East, one hundred & twenty Rods, to said Land formerly Col° Ephraim Williams's Dec^d Thence East 1^D 45^m South One hundred & ten Rods, thence North 44 Deg. East Four hundred & eighty Rods to said Capt John Larrabee's Land, Thence East 7^D 45^m South, Two hundred & forty Rods to the Southeast Corner thereof, Thence the same Course Fourteen Rods; Thence South 7^D 45^m West, Five hundred & ten Rods to Sheffield Line, Thence seven hundred & four Rods on Sheffield Line to the first Bound.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Plan mentioned in the Petition, be & hereby is Accepted, and that the Lands therein delineated & described, Including the Sixty three Acres & forty Rods laid down on the East Side of said Plan, be confirmed to the Petitioners & Company their Heirs & Assigns for ever, Provided the whole contain no more than Fifteen hundred & Sixty three Acres & forty Rods, and does not interfere with any former Grant, Provided also that the said Petitioners & Company be at the Charge of obtaining the Indian Title to said Lands. [*Passed January 9.*

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## CHAPTER 237.

VOTE DESIRING THE CAPTAIN GENERAL TO ENLIST A GUARD FOR DEFENCE OF NUMB^R FOUR.

A Petition of Phineas Stevens in behalf of the Inhabitants of the Plantation called Number four, setting forth their great Danger from the Indian Enemy, who have already captivated a whole Family belonging to that Place; Praying for Relief & Protection from this Government.

Legislative Records of the Council, xx., 375. Mass. Archives, cxvii., 3.

Mass. Archives, cxvii., 1. House Journal, pp. 133, 200, 204.

Read &

*Voted* that his Excellency the Captain General be desired to Impower Cap^t Phinehas Stevens within named or Such other person as he shall think proper to Inlist Fifteen able bodied effective men to enter into the service as Soldiers on the fifteenth day of Feb^ry next for the defence & protection of the Inhabitants of N° 4 on

Connecticut River to be Continued in the service until the fifteenth of October Next or Until his Majesties pleasure respecting S$^{d}$ Inhabitants be known provided it be before the S$^{d}$ fifteenth of October. [*Passed January 9.*

## CHAPTER 238.

ORDER ALLOWING £2. 14 TO PHIN$^{s}$ OSGOOD.

Legislative Records of the Council, xx., 375. Mass. Archives, lxxiv., 312.

House Journal, pp. 191, 205.

A PETITION of Phineas Osgood a Captain in the late Expedition, under Major General Winslow, shewing that in making up his Muster Roll, by Mistake he ommitted charging the Bounty Money he paid, to six Men, who afterward deserted from the Castle, Praying that he may be allowed the same:

Read &

*Ordered* that the prayer of the petition be so far Granted & that there be Allowed & paid out of the publick Treasury the Sum of Two pounds fourteen shillings in full Discharge of the Sums advanced by the pet$^{r}$. [*Passed January 9.*

## CHAPTER 239.

ORDER ALLOWING £750 TO THE JUDGES.

Legislative Records of the Council, xx., 376. Mass. Archives, xliv., 99.

House Journal, p. 203.

*Ordered* that the Sum of Seven Hundred & fifty pounds be Allowed & paid out of the publick Treasury to the Hon$^{ble}$ Justices of his Maj$^{s}$ Superiour Court of Judicature Court of Assize & General Goal Delivery for their service for one Year ending the first of Jan$^{ry}$ Currant. [*Passed January 10.*

## CHAPTER 240.

ORDER ALLOWING £50 TO THE SECRETARY.

Legislative Records of the Council, xx., 376. Mass. Archives, xlix., 411.

House Journal, p. 203.

*Ordered* that the sum of fifty pounds be granted & Allowed to be paid out of the publick Treasury to Josiah Willard Esq$^{r}$ secretary of this province in full for his service for one Year Ending the third day of December last. [*Passed January 10.*

## CHAPTER 241.

ORDER ALLOWING £92 ADDIT$^{L}$ TO THE SECRETARY.

Legislative Records of the Council, xx., 376. Mass. Archives, xlix., 413.

House Journal, p. 204. *Supra*, chap. 240.

*Ordered* that the sum of Ninety Two pounds be granted & paid out of the publick Treasury to Josiah Willard Esq$^{r}$ secretary &c in Consideration of his Extraordinary services ending on the third day of December last. [*Passed January 10.*

## CHAPTER 242.

ORDER ALLOWING £12 TO THE CHAPLAINS OF THE COURT.

In the House of Rep^s^

*Ordered* that there be Allowed & paid out of the Publick Treasury the Sum of Twelve pounds one Half to the Reverend Chaplain of the Hon^ble^ Board the present Year; The other Half to the reverend Doct Sewall Chaplain of this House for their respective services the present year

In Council Read & Concurd. [*Passed January 10.*

Legislative Records of the Council, xx., 376. Mass. Archives, xiii., 618.

House Journal, p. 206.

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## CHAPTER 243.

ORDER ALLOWING £150 TO THE COMMISS^Y^ GENERAL.

*Ordered* that there be granted & Allowed to be paid out of the publick Treasury the sum of One Hundred & fifty pounds to John Wheelwright Esq^r^ Commissary General for his service in that Office for one Year. [*Passed January 10.*

Legislative Records of the Council, xx., 376. Mass. Archives, lxxiv., 315.

House Journal, p. 206.

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## CHAPTER 244.

ORDER ALLOWING £50 TO L^T^ JOHN LARRABEE.

*Ordered* that there be Allowed and paid out of the publick Treasury the sum of fifty pounds to John Larrabee Lieutenant of his Maj^s^ Garrison at Castle William in Consideration of his faithfull Discharge of the Trust reposed in him. [*Passed January 10.*

Legislative Records of the Council, xx., 376. Mass. Archives, lxxiv., 317.

House Journal, p. 207.

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## CHAPTER 245.

ORDER ALLOWING 3/ PER DIEM TO THE SPEAKER.

*Ordered* that there be granted & Allowed to be paid out of the Publick Treasury the sum of Three shillings ℔ Diem to the Hon^ble^ Tho^s^ Hubbard Esq^r^ Speaker of the House for every day of His Attendance in the General Court from the Opening of the session on the 29 day of May 1754 over & Above his pay as a member of the House. [*Passed January 10.*

Legislative Records of the Council, xx., 376. Mass. Archives, xlix., 415.

House Journal, p. 206.

## CHAPTER 246.

VOTE REQUESTING MR. AGENT BOLLAN TO PURCHASE FIRE ARMS.

Legislative Records of the Council, xx., 376.

Mass. Archives, lxxiv., 316. House Journal, pp. 36, 43. *Ante*, p. 189, chap. 57.

*Voted* that Mr Agent Bollan be desired to procure & ship to Boston as soon as may be for this Province Two Thousand five hundred Fire Arms with a Bayonet & Sling to each, but no Cartouch Box; the said Arms to be four Inches longer than the Pattern Gun sent by him to this Court; but in all other Respects to be agreable thereto: That the said Mr Bollan be authorized & impowered, and he is hereby authorized & impowered to contract & agree in behalf of this Government with any Person or Persons for the said Arms & Accoutrements on the best Terms he can, or to borrow of any Person or Persons a Sum of Money sufficient to purchase & defrey the Cost of said Arms, to be paid for in one or two Years as may be agreed on, with Interest till paid (at the lowest Rate that can be agreed for;) Or if Money be borrowed for the said Purchase, to be repaid within the Term of Two or more Years with Interest as aforesaid till paid; And this Court hereby promise to & with the said Mr Agent Bollan, or the Person or Persons he may purchase or borrow of as aforesaid that they will repay for said Arms or the Money borrowed for the Purchase of them, with the Interest, & according to the Time which may be agreed on as aforesaid; And Mr Agent Bollan, is hereby directed in Case he procure said Arms to insure the same. [*Passed January 10.*

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## CHAPTER 247.

ORDER ALLOWING £200 TO THE TREASR.

Legislative Records of the Council, xx., 378. Mass. Archives, cliii., 293.

House Journal, p. 206.

*Ordered* that the sum of Two Hundred pounds be granted & allowed out of the Publick Treasury To Harrison Gray Esqr Treasurer & receiver General of his Majs Revenues of this province for a Years service ending the 23d of December last. [*Passed January 10.*

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## CHAPTER 248.

ORDER ALLOWING £60 TO THE DOORKEEPER.

Legislative Records of the Council, xx., 378. Mass. Archives, xlix., 412.

House Journal, p. 207.

*Ordered* that there be Allowed & paid out of the publick Treasury the sum of Sixty pounds to Mr William Baker Doorkeeper to his Excellency the Governour & this Court for his service for one Year to be paid quarterly And Also the further Sum of Forty pounds in Consideration of his Expence in hireing Assistance & Extraordionary Care & Trouble as Door keeper. [*Passed January 10.*

## CHAPTER 249.

ORDER ALLOWING £40 TO THE CHAPLAIN OF CASTLE WILLIAM.

Legislative Records of the Council, xx., 379. Mass. Archives, xiii., 618.

*Ordered* that there be granted & Allowed to be paid out of the publick Treasury to M[r] John Phillips Chaplain of his Maj[s] Castle William the sum of Forty pounds as a Gratuity for his service in that trust the year past. [*Passed January 10.*

House Journal, p. 206.

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## CHAPTER 250.

ORDER ALLOWING 12/ PER DIEM TO THE CLERK OF THE HOUSE.

Legislative Records of the Council, xx., 379. Mass. Archives, xlix., 414.

*Ordered* that Oliver Partridge Esq[r] Clerk of the House of Representatives be Allowed & paid out of the publick Treasury the sum of Twelve shillings ℔ Diem for his service during the several sessions of the General Court the Currant Year. [*Passed January 10.*

House Journal, p. 206.

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## CHAPTER 251.

ORDER ALLOWING £40 TO THE CHIEF JUSTICE.

Legislative Records of the Council, xx., 379. Mass. Archives, xliv., 100.

*Ordered* that the sum of Forty pounds be granted & paid out of the publick Treasury to the Hon[ble] Stephen Sewall Esq[r] in Consideration of his faithfull discharge of the important trust reposed in him as Chief Justice And for his further encouragement therein. [*Passed January 10.*

House Journal, p. 207.

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## CHAPTER 252.

ORDER DIRECTING THE SECRETARY TO SEND A COPY OF THE VOTE FOR PURCHASING ARMS TO MR. AGENT BOLLAN.

Legislative Records of the Council, xx., 381. Mass. Archives, xxi., 222.

*Ordered* that the Secretary send to M[r] Agent Bollan by the first Vessel that will sail for any Port of Great Britain a Copy of the Vote of this Court for his Purchasing Fire Arms &c, to be authenticated under the Province Seal & a Duplicate thereof, by the Vessel that shall Sail for Great Britain next after, with a proper Letter accompanying the same.[1] [*Passed January 10.*[2]

*Ante*, p. 264, chap. 246.

[1] Not found in the House Journal.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 11.

## CHAPTER 253.

VOTE DIRECTING THE SECRETARY TO WRITE TO MR. AGENT BOLLAN TO PURCHASE GUN POWDER.

Legislative Records of the Council, xx., 381. Mass. Archives, lxxiv., 319.

*Ante*, p. 264, chap. 246.

*Voted* that the secretary be directed to write to M^r^ Agent Bollan by the first Ship to purchase for the Province (upon the same Conditions of payment as he is directed by a Vote of this Court Passed this session to purchase 2,500 fire Arms) the Quantity of Fifteen Hundred Barrells of good Gun Powder One third thereof to be Canon Powder and the other Two thirds to be Pistol Powder and also twenty thousand of the best Flynts & Ship the same by the first good Oppertunity for this province and Insure the Same.[1] [*Passed January 11.*

## CHAPTER 254.

ORDER APPOINTING A COMMITTEE ON THE AFFAIR OF THE LANDS WESTW^D^ OF SHEFFIELD & STOCKBRIDGE.

Legislative Records of the Council, xx., 381. Mass. Archives, xlvi., 390, 392.

Mass. Archives, xlvi., 375-392.

*Ante*, p. 28, chap. 57.

WHEREAS divers Persons have at different Times taken up Tracts of the Province Lands, & made Improvem^ts^ thereon, without any Grant or Licence from this Court, And in particular great Improvem^ts^ have been made Westward of the Towns of Sheffield & Stockbridge, & that the Setlers there have made their repeated Applications to be quieted in their Possessions; Therefore

*Ordered* that a Committee be chosen & appointed by this Court to repair as soon as may be to the Western Parts of the Province to make Inquiry into the Circumstances of s^d^ Settlem^ts^, And they are hereby fully impowered in behalf of this Province to quit Claim to any & all of said Settlers, their or any Part of their Possessions respectively, according to the Discretion of said Comm^ee^ upon such moderate quit Rent or other Acknowledgment as shall be thought equitable; And that the s^d^ Comm^ee^ be impowered and required to depute or appoint one or more suitable persons (to have a reasonable allowance for their trouble) whose business it shall be from time to time to inspect the state of the Province Lands in those parts & to give immediate information to this Court when & so often as any new possession shall be taken. And the Committee of this Court are likewise to make inquiry into the state of those Province lands which are not yet improved or possessed and to consider in what manner it will be most convenient to bring forward the settlement thereof in order to strengthen that part of the Frontier. And they are to make report of their doings.

In Council

*Ordered*[2] that Samuel Watts Esqr with such as the honourable House shall appoint be the Committee of this Court for giving a quit claim to such persons as have made improvements upon the province Lands West of Sheffield & Stockbridge without grant or licence from this Court and for the several other purposes mentioned in the Vote of the Court of this day

In the House of Rep^s^ Read & Concurred & Col Bradford & Cap^t^ Livermore are Joined in the Affair. [*Passed January 11.*

[1] Not found in the House Journal.
[2] This order does not appear in Legislative Records of the Council.

# CHAPTER 255.

ORDER ALLOWING £28. 13. 4 AND A FURTHER SUM OF £8 TO JOSEPH KELLOG, ESQR.

A Petition of Joseph Kellog of Suffield Esqr shewing that he has served this Government as Interpreter of the Mohawk Language, for fifteen Years past, as Occasion has required, for which he has had no Consideration, Therefore Praying for an Allowance therefor, as also for a Sum of Money he lost in the Indian School at Stockbridge, when it was burnt down;

Legislative Records of the Council, xx., 382.

Read &

*Ordered* that the within mentioned Joseph Kellog Esqr be allowed the Sum of Twenty eight Pounds, thirteen shillings & four pence for his Services, while Interpreter for the Mohawk Indian Children at Stockbridge, out of the Interest of the Moneys appropriated by Sir Peter Warren decd for the Education of Mohawks; & that the said Kellog be further allowed out of the publick Treasury the Sum of Eight Pounds in full for his Services as Interpreter at the Congress at Albany, the last Summer. [*Passed January 11.*

Mass. Archives, xxxii., 573. House Journal, pp. 173, 208, 212. Province Laws, xiv., 563, chap. 66.

# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE FIFTH DAY OF FEBRUARY, A.D. 1755.

## CHAPTER 256.

VOTE DESIRING THE CAPT GENERAL TO POST JOSIAH MEAD AT CASTLE WILLIAM.

Legislative Records of the Council, xx., 385. Mass. Archives, lxxiv., 326.

A PETITION of Josiah Meads shewing that he has served His Majesty as a Soldier for near thirty Years, partly in this Province & partly in Nova Scotia, where he was discharged as an Invalid, and has for sometime had an Annual Pension from this Court; but that not being sufficient for his Support, Therefore Praying for an Additional Allowance, or some other Relief.

Mass. Archives, lxxiv., 326. House Journal, p. 216 *bis*. *Ante*, p. 24, chap. 41.

Read &

*Voted* that his Excelcy the Captain General be desired to Post the petr Josiah Meads as a Supernumery at his Majs Castle William And that as Such he be Subsisted as a Common soldier & that his Pension of Forty shillings ℔ annum from his time of Entrance there Shall determine & Cease. [*Passed February 7.*

## CHAPTER 257.

VOTE AND ORDER ON THE PETITION OF JEREMIAH WILLIAMS & JOHN DOWSE TO ENTER AN APPEAL.

Legislative Records of the Council, xx., 385. Mass. Archives, xliv., 151.

UPON SUGGESTION that the Order of the Great & General Court made and Passed on the Seventeenth Day of December Last upon the Petition of Jeremiah Williams and John Dowse has not been complyed with and that the Said Jeremiah Williams made his motion to the Justices of The Inferiour Court of Common Pleas held at Boston in and for the County of Suffolk on the first Tusday of January Last to have the Benefit of that Order and that the Same was not Granted but the Consideration thereof continued to the next Term by Reason of Some Doubt whether the Respective Courts were fully Impowerd without new Process to proceed to Tryal and motion being made that Such further order on the Premises might be made as that they might be hereafter no Difficulty In that Respect

House Journal, p. 217. Province Laws, iii., 64, chap. 32. *Ante*, p. 237, chap. 169.

*Voted* and

*Ordered* that the Reference Report and Judgments Complained of In the Petition be & hereby are Declared null and Void and the Justices of the Inferiour Court of Common Pleas next to be holden at Boston in and for the County of Suffolk on the first Tusday of Aprill next are hereby Directed and Impowered to hear

and Try the Cause between the Said Williams and John Morey mentioned in the Petition to Enter up Judgment and Award Execution thereon In the Same manner as fully to all Intents & Purposes as if the Same had Stood continued and no Reference had been Entred into or Judgment been Rendred thereon and that the Justices of the Court of Sessions of the Peace to be held at Boston in and for the County of Suffolk on the first Tusday of April next are hereby directed & Impowered to hear and Try the Appeal mentioned in said Petition Enter up Judgment and &[1] Award Execution in the Same manner and as fully to all Intents and Purposes as If the Same had Stood Continued and there never had been any Reference or Judgment of The Court of Sessions thereon. [*Passed February 7.*

## CHAPTER 258.

ORDER GRANTING TO AARON WOOD LICENCE TO KEEP AN INN.

A Petition of Aaron Wood of Rowley, setting forth the Conveniency of his House & the Situation thereof for an Inn, which has been kept there for some Years past, therefore Praying that the Court of General Sessions of the Peace for the County of Essex may be impowered to grant him Licence to keep an Inn there.

Legislative Records of the Council, xx., 385. Mass. Archives, cxi., 338.

Read &

*Ordered* that the prayer of the petition be granted & that the Justices of the Court of General sessions of the peace for the County of Essex at their Next Term be & hereby are Impowered (if they think fit[)] to Licence the pet$^{r}$ to be an Inholder in the Town of Boxford he Obtaining the Approbation of the select men of S$^{d}$ Town the time for granting of Licences being elapsed Notwithstanding. [*Passed February 7.*

Mass. Archives, cxi., 337. House Journal, p. 215.

## CHAPTER 259.

ORDER GRANTING TO THO$^{S}$ TRACY LICENCE TO KEEP AN INN.

A Petition of Thomas Tracey of Pembrook, shewing that the Select Men of said Town have certified their Approbation of the Petitioners keeping a Tavern there, Praying that this Court would impower the Court of General Sessions of the Peace for the County of Plymouth to grant him a Licence accordingly.

Legislative Records of the Council, xx., 386. Mass. Archives, cxi., 342.

Read &

*Ordered* that the prayer of the petition be granted and that the Justices of the Court of General sessions of the peace for the County of Plymouth at their Next Term be & hereby are Impowered (if they think fit[)] to Licence the pet$^{r}$ as Inholder in the Town of Pembrook he Obtaining the Approbation of the selectmen of S$^{d}$ Town the time for Granting of Licences being elapsed Notwithstanding. [*Passed February 7.*

Mass. Archives, cxi., 341. House Journal, p. 215.

[1] *Sic.*

## CHAPTER 260.

ORDER GRANTING TO SAM[L] HAYDEN LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 386. Mass. Archives, cxi., 340.

Mass. Archives, cxl., 339. House Journal, pp. 214, 215.

A PETITION of Samuel Hayden of Medford, shewing that he has lately hired a House in said Town, which for Thirty Years past has been licenced as a Tavern; Praying that this Court would impower the Court of General Sessions of the Peace for the County of Middlesex to grant a Licence to the Petitioner to keep a Tavern there.

Read &

*Ordered* that the prayer of the petition be granted and that the Justices of the Court of General sessions of the peace for the County of Middlesex at their next Term be & hereby are impowered (if they think fit) to Licence the pet[r] to be an Inholder in the Town of Medford he Obtaining the Approbation of the selectmen of S[d] Town the time for granting of Licences being elapsed Notwithstanding. [*Passed February 7.*

## CHAPTER 261.

VOTE IN REGARD TO EXPORT[A] OF PROVISIONS &c[A].

Legislative Records of the Council, xx., 392.

Mass. Archives, vi., 184; lxv., 55, 57. House Journal, pp. 218, 219. Province Laws, iii., 837, note. *Ante*, p. 186, chap. 43.

*Voted* that the Impost Officer & his Deputy for & during the Term of twelve Weeks, be & hereby are directed & impowered to demand from the Master of every Vessel which shall clear out from any Port within this Province, an Account upon Oath of all Provisions and Warlike Stores laden or intended to be laden on board such Vessel before her Sailing, and whensoever it shall appear to the said Officer or Deputy that any Vessel has on board, or that there is intended to be laden on board any Vessel more Provisions or Warlike Stores than is necessary for the victualling & Defence of such Vessel on her proposed Voyage, said Officer shall require the Master of such Vessel to give Bond with Sureties in the Penalty of One Thousand Pounds Sterling, that all such Provisions & Stores of War shall be landed in some Port within his Majesty's Dominions, & Certificate returned from the Chief Officer of the Customs of such Port, or if it be at a port where there is no Officer of the Customs, then from the Chief Magistrate that all such Provisions & Stores of War have been landed accordingly. And his Excellency the Governour is desired to give Orders that no Vessel having Provisions & Warlike Stores on board as aforesaid be cleared at the Naval Office, untill Bond shall have been given as above directed; and that any Vessel already cleared out and suspected to have any Quantity of Provisions & Warlike Stores on board be detained untill Security be given as aforesaid; And that his Excellency be likewise desired as soon as he shall think proper to acquaint his Majesty's several Governours on the Continent with this Order, & desire that the like Care may be taken within the several Governments. [*Passed February 8.*[1]

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 10.

## CHAPTER 262.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO THE CAPTIVES IN CANADA.

Pursuant to the Directions, ["to consider of some proper Method for the Redemption of the Captives now in Canada, belonging to this Province."—Legislative Records of the Council, xx., 392] the Committee have attended the Service assigned them; And are humbly of Opinion that it is not Convenient, at this time, for the Court to employ any Person in purchasing Captives belonging to this Province; now in Canada, It appearing to the Committee that the Indians have, by Means of such Purchases been encouraged to continue their Depredations upon our Frontiers; And the Committee are further of Opinion, that no effectual Way can be projected to put an End to these Depredations but by revenging the Injury upon the Indians themselves, or upon those by whom they were employed. Which is humbly submitted. Per Samuel Watts per Order.

Legislative Records of the Council, xx., 393. Mass. Archives, lxxiv., 328.

Mass. Archives, lxxiv., 327. Legislative Records of the Council, xx., 392. House Journal, pp. 218, 222. Province Laws, xiv., 604, chap. 173.

Read and

*Ordered* that this Report be Accepted. [*Passed February 11.*

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## CHAPTER 263.

ORDER AND VOTE PERMITTING THE EXPORT OF CODFISH TO EUROPE.

Legislative Records of the Council, xx., 393. Mass. Archives, lxv., 60.

*Ordered* that the Impost Officer in taking Bonds to prevent the exportation of Provisions &c According to the resolve of this Court of Saturday last be directed to Exempt Cod Fish Exported to Europe And it is Accordingly

*Voted* that all persons have free Liberty to export Fish as afores[d] the S[d] Order Notwithstanding. [*Passed February 12.*

House Journal, p. 223. Province Laws, iii., 837, note. *Ante*, p. 186, chap. 43; p. 270, chap. 261.

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## CHAPTER 264.

ORDER SUBSTITUTING MR PHINEAS HAYWOOD FOR CAP[t] RUGGLES ON THE COMMITTEE TO FARM EXCISE IN THE COUNTY OF WORCESTER.

Legislative Records of the Council, xx., 394. Mass. Archives, cxx., 13.

*Ordered* that M[r] Phineas Haywood be of the Committee to Farm out the Excise on Spirituous Liquors in the County of Worcester in the room of Cap[t] Ruggles who desires to be Excused. [*Passed February 13.*

House Journal, p. 224. *Ante*, p. 246, chap. 197.

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## CHAPTER 265.

ORDER ALLOWING £100 TO D[R] WIGGLESWORTH.

*Ordered* that there be granted & Allowed to be paid out of the Publick Treasury to the Rev[d] D[r] Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge the Sum

Legislative Records of the Council, xx., 394. Mass.

Archives, lviii., 416.

House Journal, p. 225.

of One Hundred pounds as a gratuity in Consideration of his faithful discharge of the Great & Important Trust reposed in him & for his further Encouragement therein. [*Passed February 13.*

## CHAPTER 266.

ORDER ALLOWING £250 TO REV$^{D}$ EDWARD HOLYOKE.

Legislative Records of the Council, xx., 394. Mass. Archives, lviii., 416.

House Journal, p. 225.

*Ordered* that the sum of Two Hundred & fifty pounds be Granted & allowed to be Paid out of the Publick Treasury to the Rev$^{d}$ Edward Holyoke President of Harvard College over and Above the Rents of the Massachusetts Hall for one Year ending the Tenth day of September next to be paid quarterly. [*Passed February 13.*

## CHAPTER 267.

ORDER ALLOWING £100 TO JOHN WINTHROP, ESQ.

Legislative Records of the Council, xx., 394. Mass. Archives, lviii., 415.

House Journal, p. 225.

*Ordered* that there be granted & Allowed to be Paid out of the Publick Treasury to John Winthrop Esq$^{r}$ Hollisian Professor of the Mathematicks at Harvard College in Cambridge the Sum of One Hundred pounds as a Gratuity in Consideration of his faithfull discharge of that Trust reposed in him and for his further encouragement therein. [*Passed February 13.*

## CHAPTER 268.

ORDER ALLOWING £20 TO R. JUDAH MONIS.

Legislative Records of the Council, xx., 394. Mass. Archives, lviii., 415.

House Journal, p. 225.

*Ordered* that there be granted & Allowed to be paid out of the Publick Treasury to R. Judah Monis Hebrew Instructor at Harvard College in Cambridge the Sum of Twenty pounds as a Gratuity in Consideration of his faithful discharge of that Trust reposed in him And for his further Encouragement therein. [*Passed February 13.*

## CHAPTER 269.

ORDER DESIRING THE CAPTAIN GENERAL TO LAY AN EMBARGO ON ALL FISHING VESSELS.

Mass. Archives, lxv., 62.

House Journal, p. 226. *Post*, p. 274, chap. 274.

*Ordered* that his Excellency the Cap$^{t}$ General be desired to Lay an Embargo on all the Fishing Vessels that go to the Banks which are in the several Ports in this Province Until the first of March Next. [*Passed* February 13.*

## CHAPTER 270.

VOTE IMPOWERING WILLIAM STURTIVANT AND HEZIKIAH BEARCE, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of William Sturtivant & others, (by their Guardian,) Grand Sons of William Sturtivant late of Halifax in the County of Plymouth Dec[d] setting forth the Disposition of the said Deceased's Estate by Will, and the Necessity of selling the real Estate, & praying that it may be sold accordingly.

Legislative Records of the Council, xx., 394. Mass. Archives, xix., 236.

[Read and]

*Voted* that the Petitioners William Sturtevant & Hezekiah Bearce in his [1] Said Capacity be & hereby are fully Authorized & Impowered to make Sale of the Lands & Saw mill mentioned in the Petition for the most the same will fetch and to make & Execute a Good Deed or Deeds of the Same, they Observing the Directions of the Law Respecting the Sale of Reall Estates Provided they Give Sufficient Caution to the Judge of Probate for the County of Plymouth that the money Arising by the Sale of the Premises shall be Distributed to and Among the Six Grandsons of William Sturtevant Late of Halifax in the County of Plymouth Deceased, mentioned in the Petition or their Legall Representatives as they Shall Arive to the Age of twenty one years in Equall Proportion, and that the Money in the mean time be Put out to Interest & that the Legacy Given to the Widdow of the Deceased William of three pounds Six Shillings & Eight pence Be paid out of the Same during her widdohood & the Overplus of the Interest (If any there be) be applied Equally for the use & Benefitt of the Said Six Grandsons or there Legall Representatives. [*Passed February 13.*

Mass. Archives, xix., 235. House Journal, pp. 214, 223. Province Laws, ii., 151, chap. 10.

## CHAPTER 271.

VOTE DIRECTING THE TREASURER TO INFORM THE AGENTS OF LADY WARREN THAT HE IS PREPARED TO RECEIVE THE BEQUEST OF THE LATE SIR PETER WARREN.

A Memorial of Harrison Gray Esq[r] Treasurer of this Province, shewing that conformable to the Order of this Court he waited on Charles Apthorp & Thomas Hancock Esq[rs] Agents of the Lady Warren in order to receive from them £700 Sterling with Interest, from the 25[th] of March 1751, pursuant to her Letter respecting the Money ordered by Sir Peter Warren for the Education of Indian Children of the Six Nations, that the said Agents informed the Memorialist that they had no Moneys of her Ladyships in their Hands, but had undeniable Securities of her Estate, which they were ready to assign over to the Governm[t] so far as shall answer for the Sum above mentioned, but for as much as the Memorialist has no Power to receive any thing but Money, Therefore Praying for the further Order of this Court on the said Affair.

Legislative Records of the Council, xx., 396. Mass. Archives, ciii., 295.

[Read and]

*Voted* that the Treasurer be & hereby is directed to Inform the Agents of the Lady Warren that he is ready to receive of them the monyes which she has Ordered to be paid to the Order of the prov-

Mass. Archives, ciii., 294. House Journal, pp. 214, 218. Province Laws, xiv., 682, chap. 131; 694, chap. 155.

[1] *Sic.*

ince as soon as they shall have Collected the same And that it is the desire of this Court that they would do it as soon as may be that so the Charitable Intention of the late S$^{r}$ Peter Warren may be no longer delayed And the Treasurer is hereby impowered to receive the S$^{d}$ Money being Seven Hundred pounds Sterling with Interest from March 25$^{th}$ 1751 And give A proper discharge for the same. [*Passed February 13.*

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Legislative Records of the Council, xx., 398.

## CHAPTER 272.

VOTE DESIRING THE CAP$^{T}$ GENERAL TO GIVE ORDERS FOR THE CONFINEMENT OF THE SUBJECTS OF THE FRENCH KING.

Mass. Archives, lxxiv., 333. Legislative Records of the Council, xx., 386, 393, 395, 397. Province Laws, iii., 838, note.

*Voted* that His Excellency the Captain General be desired as soon as may be, to give Orders that all the Subjects of the French King be forthwith confined; and that His Excellency be desired to write to the neighbouring Governments to do the like within their respective Governments.[1] [*Passed February 15.*

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## CHAPTER 273.

VOTE DESIRING HIS EXCELLENCY THE GOVERNOR TO LAY A GENERAL EMBARGO ON SHIPPING.

Legislative Records of the Council, xx., 398. Mass. Archives, lxv., 63.

Legislative Records of the Council, xx., 395. Province Laws, iii., 837, note. *Ante*, p. 272, chap. 269.

*Voted*, That his Excellency the Gov$^{r}$ be desired to lay a General Embargo on the shipping within this Province for the space of one month from this day, and that no ship, sloop or other vessel be permitted to proceed to sea unless the Master or owner fully satisfy his Excellency that there will be no supply made by such vessel of provisions arms or amunition to any of the french Kings subjects in America, nor any intelligence given thereby of the present military proceedings of this or the adjacent Governments, and also that his Excellency be desired to move the Neighbouring Colonies to come into the same Measures.[2] [*Passed February 15.*

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Legislative Records of the Council, xx., 398. Mass. Archives, lxv., 64.

## CHAPTER 274.

VOTE DESIRING HIS EXCELLENCY THE CAPTAIN GENERAL TO FURTHER EXTEND THE EMBARGO ON FISHING VESSELLS.

House Journal, pp. 228, 229. Province Laws, iii., 837, note. *Ante*, p. 272, chap. 269. *Supra*, chap. 273.

*Voted* that his Excellency the Captain General be desired further to Extend the Embargo on Fishing Vessels that go to the Banks Until the fifteenth of March Next. [*Passed February 15.*

[1] Not found in the House Journal.

[2] The House Journal, pp. 226, 228, refer to an embargo on fishing vessels only, but nothing is mentioned about a general embargo.

## CHAPTER 275.

ORDER GRANTING TO OLIVER ABBOT LICENCE TO SELL STRONG DRINK.

A Petition of Oliver Abbot, setting forth his Commodious Situation for an Inn in the Town of Billerica, and the want of one in the Body of the said Town; & Praying that the Court of General Sessions of the Peace for the County of Middlesex may be impowered to grant him a Licence at their next Term.

Legislative Records of the Council, xx., 400. Mass. Archives, cxx., 12.

House Journal, p. 231.

Read &

*Ordered* that the prayer of the Petition be granted And that the Justices of the Court of General sessions of the peace for the County of Middlesex at their Next Term be & hereby are Impowered (if they think fit) to Licence the petitioner Oliver Abbot a retailer of Spirituous Liquors in the Town of Belerica he first Obtaining the Approbation of the selectmen of S$^{d}$ Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed February 17.*

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## CHAPTER 276.

ORDER GRANTING TO JOHN HOLBROOK, JUN$^{R}$, LICENCE TO SELL STRONG DRINK.

A Petition of John Holbrook jun$^{r}$ shewing that for many Years past he has been a Retailer of strong Drink in the Town of Braintree, but that at the last Term for renewing Licences in the County of Suffolk he lost his Opportunity thro' Misinformation, Praying that the Court of General Sessions of the Peace for the said County may be impowered to renew his Licence at their next Term.

Legislative Records of the Council, xx., 403. Mass. Archives, cxx., 16.

House Journal, p. 233.

Read &

*Ordered* that the prayer of the pet$^{n}$ be granted & that the Justices of the Court of General sessions of the peace for the County of Suffolk at their Next Term be & hereby are impowered (if they think fit) to Licence the Petitioner to be A retailer of Spirituous Liquors In the Town of Brantree he Obtaining the Approbation of the select men of the Said Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed February 18.*

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## CHAPTER 277.

ORDER IMPOWERING THO$^{S}$ GREENWOOD, ESQ$^{R}$, GUARDIAN, TO EXECUTE A DEED.

A Petition of Thomas Greenwood, Guardian of Ann Allen Daughter of John Allen late of Newton dec$^{d}$ a Minor, shewing that the said John Allen's Estate has been settled by the Judge of Probate for the County of Middlesex, and a dwelling House, Barn & forty Acres of Land assigned undivided to the said Minor, & her elder Sister Martha Carter, Wife of Benjamin Carter, and for as much as the said Carter's part is about to be sold, Therefore

Legislative Records of the Council, xx., 397. Mass. Archives, xix., 258.

Mass. Archives, xix., 256. Legislative Records of

the Council, xx., 407. House Journal, pp. 227, 234, 235. Province Laws, ii., 151, chap. 10.

praying for Liberty to sell the said Minors Part, w^ch^ will be much for her Benefit.

Read and

*Ordered* that the Prayer of the Pet^n^ be granted and that the Petitioner be and hereby is impowered in his said Capacity to make Sale of the Estate mentioned in the Petition and to make and Execute in due form of Law a good and sufficient Deed or Deeds of the Premisses to such Person or Persons as shall give most for the same he Observing the Directions of the Law respecting the Sale of Real Estates by Executors or Administrators. Provided he give Sufficient Caution to the Judge of Probate for the County of Middlesex that the neat Produce and the Interest thereof shall be paid to the said Minor when she shall arrive at the Age of Twenty one Years or be Married which shall first happen except what shall be necessary for her Support during that Time. [*Passed February 18.*[1]

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## CHAPTER 278.

ORDER IMPOWERING THE ASSESSORS OF THE TOWN OF LUNENBURGH TO LEVY A TAX OF A HALF PENNY PER ACRE.

Legislative Records of the Council, xx., 337. Mass. Archives, cxxi., 314.

A PETITION of the Represent^ve^ of the Town of Lunenburgh setting forth the great & uncommon Charge they are at for making & repairing of Bridges & High Ways, Praying for an Order of this Court to impower them to assess an half peny per Acre ℔ Annum for five Years on the Lands of the Non Resident Proprietors, to help the said Town to defray the said Charge.

Mass. Archives, cxxi., 312. Legislative Records of the Council, xx., 404. House Journal, pp. 140, 225.

Read and it appear^s^ y^t^ the pet^r^ has followed the Directions of this Court of the 4^th^ Decem^r^ last and no Answer being given in Therefore

*Ordered* that the Prayer of the Pet^n^ be so far granted As that the Assessors of the said Town be and hereby are impowered to Assess the lands of the Nonresident Proprietors in said Town for three Years next ensuing one half peny for each Standard Acre ℔ Annum and the Collector or Collectors Constable or Constables to whom the said Assessments shall be Committed are hereby impowered and Directed to Collect the same and in case of refusal or Non Payment (after due Notice being given) to follow the Directions of the Law in such Cases provided. [*Passed February 19.*

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## CHAPTER 279.

VOTE ALLOWING £18. 10 TO M^R^ JON^A^ EDWARDS.

Legislative Records of the Council, xx., 404. Mass. Archives, xlii., 583.

A PETITION of M^r^ Jonathan Edwards Pastor of the Church at Stockbridge, setting forth the Expence he was at for the Subsistence of Soldiers at the time of their late Danger from the Indians, praying that he may be reimbursed his said Charge out of the publick Treasury:

Mass. Archives, xlii., 581. House

Read &

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 20.

*Voted* that there be Allowed & paid out of the Publick Treasury to the Petitioner the Sum of Eighteen pounds Ten shillings In full discharge of his Accounts within mentioned. [*Passed February 19.*

Journal, pp. 101, 192, 236, 237.

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## CHAPTER 280.

ORDER CONFIRMING A PLAT OF 400 ACRES OF LAND TO THE HEIRS OF CAPT. JOSEPH BANE.

A Plat of 400 Acres of Land granted by the General Court to Joseph Bane & his four Sons; laid out by Joseph Chadburn Surveyor & Chainmen on Oath, in the County of York; begining at a Pine Tree marked **M B** being the Easterly Corner of Moses Banks's Land, runing North east by East Two hundred & fourteen Poles to a Hemlock Tree mark'd **I B**, then Northwest by West three hundred Poles to a Beach Tree marked **I B**, then Southwest by West, Two hundred & fourteen Poles to Moses Banks's Land to a Beach Tree marked **I B**, then South east by South three hundred Poles to the first Station.

Legislative Records of the Council, xx., 404. Mass. Archives, xlvi., 396.

Mass. Archives, xlvi., 393, 395. House Journal, pp. 102, 104, 105 (December, 1734); p. 234.

Read &

*Ordered* that the within plan be Accepted And that the Lands therein delineated & Described be & hereby Are Confirmed to the Heirs of Captain Joseph Bean their Heirs & Assigns provided it doth not Exceed the Quantity [of][1] four Hundred Acres Nor Interfere with Any former Grant.[2] [*Passed February 19.*

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## CHAPTER 281.

VOTE IMPOWERING JN° HOPPEN, ADM^R, TO SELL LAND.

A Petition of John Hoppen Administ^r of the Estate of Benjamin Hoppen late of Attleborough Dec^d shewing that the Personal Estate of the said Benjamin is insufficient to pay the Debts and the Real Estate small & in such Circumstances as that the selling a part of it would be ruinous to the Rest, therefore Praying that he may be impowered to sell the whole,

Legislative Records of the Council, xx., 404. Mass. Archives, xix., 238.

Mass. Archives, xix., 237. House Journal, pp. 227, 234. Province Laws, ii., 151, chap. 10.

Read &

*Voted* that the Prayer of the Petition be granted And that the

[1] Inserted from Legislative Records of the Council, xx., 404.

[2] "The Memorial of John, James & David Bane Only Surviving Sons of Joseph Bane Humbly shew,

That the Grant of Four Hundred Acres of the Unappropriated Lands of the said Province in the County of York made by the Great & Gener^l Court of the said Province at their Session in Boston on the 6^th of Dece^r 1734. to their said Father to be Laid out by a Survey^r & Chain men on Oath for the Use of his Four Sons by reason of their being then in their nonAge & not capable of making choice for pitching the said Grant commodious for their settlement & improvement, And for that also no Sooner was the Eldest of them arriv'd to Age than he went to Sea, was lost, & never heard of since as likewise the War & Eruptions with the Indians & most of your Memorialists in the Service at S^t Georges &c has been the true cause why the said Grant has not been Laid out till the Year 1750.

Wherefore they pray this Court to Accept of these their Reasons for the Delays aforesaid And now confirm the laying out of the said Grant according to the Return herewith exhibited & Your Memorial^ts

As in duty bound
shall ever pray

John Bane
James Bane
David Bane."

—Mass. Archives, xlvi., 393.

Petitioner in his Capacity be & hereby is Impowered to sell the Land Mentioned in the Petition & to make & Execute a sufficient Deed or Deeds of S[d] Lands to such person or persons as Shall purchase the same provided the pet[r] Observe the directions of the Law respecting Executors & administrators selling of Lands And give Sufficient Caution to the Judge of Probate for the County of Bristol to Account for the produce thereof According to Law. [*Passed February 19.*

## CHAPTER 282.

ORDER GRANTING TO JOHN MILLER, EBENEZER KENT, NATHANIEL GORHAM AND SAMUEL KETTLE, LICENCES TO SELL STRONG DRINK.

Legislative Records of the Council, xx., 405. Mass. Archives, cxx., 15.

Mass. Archives, cxx., 14. House Journal, p. 237.

A PETITION of John Miller, Ebenezer Kent, Nathaniel Gorham, & Sam[l] Kettle all of Charlestown, shewing that they are concerned in carrying on the Fishing Trade there, and that it would be a great Benefit to their Business if they were impowered to sell Spirituous Liquors to their Fishermen, Praying that the Court of General Sessions of the Peace for the County of Middlesex may be impowered to licence them.

Read &

*Ordered* that the prayer of the petition be Granted And that the Justices of the Court of General sessions of the peace for the County of Middlesex at their Next Term be & hereby are Impowered (if they think fit) to Licence the pet[rs] Retailers of Spirituous Liquors in the Town of Charlestown they Obtaining the Approbation of the selectmen of the S[d] Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed February 19.*

## CHAPTER 283.

ORDER IMPOWERING EBEN[R] JOHNSON TO BRING FORWARD A WRIT OF REVIEW.

Legislative Records of the Council, xx., 405. Mass. Archives, xliv., 105.

Mass. Archives, xliv., 103–112. House Journal, pp. 231, 235. Province Laws, xiv., 674, chap. 112.

A PETITION of Ebenezer Johnson of Woburn, shewing that in the Year 1752 he was by Order of the General Court admitted to have a new Trial of a Cause between him & one Seth Ross of Billerica, at the Superiour Court of Judicature for the County of Middlesex, that he applied himself to the Clerk of the s[d] Court accordingly, for a Writ, that the said Clerk made a great Mistake in the Draught of the Writ, by which Means the Action was not entered, Praying that he may have a new Trial at the next Term.

Read &

*Ordered* that the prayer of the petition be granted And that the pet[r] be & hereby is Impowered to bring his Writ of Review of the Action within mentioned to the Next superiour Court of Judicature to be holden at Cambridge in the County of Middlesex on the first Tuesday of Aug[t] Next And the Justices of the s[d] Court be & hereby are Impowered & Directed to hear & Try the s[d] Cause Accordingly give Judgment thereon & Award Execution thereon. [*Passed February 19.*

# CHAPTER 284.

ORDER IMPOWERING CORNELIUS PUTNAM, ADM$^{R}$, & ELIZABETH HIS WIFE TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Cornelius Putnam Administ$^{r}$ of the Estate of William Perkins dec$^{d}$ and Elizabeth Putnam Relict of the said William & now Wife of the said Cornelius, and of Cornelius Putnam jun$^{r}$ & Elizabeth his Wife, Daughter of the said William, shewing that the Real Estate of the said William Perkins consisting of a small House & Barn, and seventy five Acres of Land in the Town of Sutton, cannot be divided without great Prejudice to the whole, Praying that the said Administrators may be impowered to sell the said Real Estate.

Legislative Records of the Council, xx., 406. Mass. Archives, xix., 240.

Mass. Archives, xix., 239. House Journal, pp. 221 *bis*, 222. Province Laws, ii., 151, chap. 10.

Read &

*Ordered* that the petitioners Cornelius Putnam & Elis$^{a}$ Putnam in their Capacity within Mentioned be & hereby are fully Authorized & Impowered to make Sale of the Land & Buildings mentioned in the petition for the Most the Same will fetch And to make & Execute a Good Deed or Deeds of the Same they Observing the directions of the Law respecting the Sale of real Estates provided Also they give sufficient Caution to the Judge of Probate for the County of Worcester that the Money Arising by the sale of the premisses be Justly Distributed to & among the Children & Legal Representatives of William Perkins Late of Sutton in the County of Worcester Deceased According to Law Two Thirds thereof Immediately Upon the Sale of s$^{d}$ Estate And the other third at the Decease of the S$^{d}$ Elis$^{a}$ Putnam formerly the Wife of S$^{d}$ William perkins Deceased. [*Passed February 19.*[1]

# CHAPTER 285.

ORDER IMPOWERING ABIG$^{L}$ LEWIS, ADM$^{X}$, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Abigail Lewis Widow & Admin$^{x}$ of the Estate of John Lewis late of Lyn dec$^{d}$ shewing that the Personal Estate of her said Husband according to Apprizement is £116.13.4 and that the Real Estate is small, & so out of Repair that the Rents will not be sufficient to repair it, therefore praying for Power to sell it for the Benefit of herself & Children.

Legislative Records of the Council, xx., 406. Mass. Archives, xix., 242.

Mass. Archives, xix., 241. House Journal, p. 241.

Read, &

*Order'd* that the Prayer of the within written Petition be granted, and that the Petitioner be, & She is hereby impower'd (in her said Capacity) to make sale of the Real Estate in said Petition mentioned, for the most that may be; Publick notice of the intended sale being first given in time & manner as by Law is directed in case of the Sale of Lands by Executors or administrators: The said administratrix giving due Caution to the Judge of Probate for the County of Essex that the Proceeds of such sale (after Payment of just Debts)

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 20.

be put out at Interest on good Security; that one third part of said Interest, as it shall annually arise, be for the use of the Widow of the said Deceased during her natural Life; and that the other two thirds of s[d] Interest be put into the Hands of such are are [1] or may be appointed Guardians of the Children of the said Deceas'd by them to be applyed for the Comfort & Support of s[d] Children; That their respective proportions in two thirds of the Principal Sum be paid to them as they shall arrive at Lawfull age, or at Marriage, and that the other third part of the Principal be paid to them (or such as shall legally represent them) upon the Decease of the said Widow. The Petitioner to be accountable to the Judge of Probate aforesaid, for & touching her Proceedings in the Premises. [*Passed February 20.*

## CHAPTER 286.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ARCHIBALD GREENFIELD TO SET ASIDE A JUDGMENT.

Legislative Records of the Council, xx., 408. Mass. Archives, xliv., 115.

Mass. Archives, xliv., 113-129. House Journal, p. 242.

A PETITION of Archibald Greenfield of Salem, shewing that William Mayberry of New Marblehead has obtained a Judgment against him (at the Inferiour Court of Common Pleas for the County of York held in April last) by Surprize while the Petitioner was sick & unable to attend the said Court, and was made to expect that the Action would not be entered, praying that the said Judgment may be set aside, and that the Pet[r] may be allowed to answer to the Action at the next Term.

Read and

*Ordered* that the Petitioner serve the Adverse Party with a Copy of this Petition that he shew Cause (if any he have) on the second Wednesday of the next Sitting of the Court why the Prayer thereof should not be granted and Execution is staid in the Mean Time Provided the Pet[r] give sufficient Security to the Sheriff of the County of Essex to pay what now is or finally may be adjudged due. [*Passed February 20.*

## CHAPTER 287.

ORDER ALLOWING £66. 13. 4 ADDITIONAL TO THE TREASURER.

Legislative Records of the Council, xx., 408.

House Journal, pp. 235, 238. *Ante*, p. 264, chap. 247.

*Ordered* that the Sum of Sixty Six Pounds, thirteen shillings and four pence be allowed & paid out of the publick Treasury to Harrison Gray Esq[r] Treasurer & Receiver General of his Majesty's Revennes of this Province in Addition to the Grant already made him for one Years Service, ending the 23[d] of December last. [*Passed February 20.*

[1] *Sic.*

## CHAPTER 288.

VOTE DIRECTING THOS HUTCHINSON, ESQR, TO PAY TO THE PROVINCE TREASURER £48. 14. 6 AND £9. 1. 4 TO JOHN H. LYDIUS, ESQR.

A Memorial of Thomas Hutchinson Esqr shewing that in the Year 1745 a Sum of Money was put into his Hands to be remitted to Mr John H Lydius of Albany, & by him to be employed for securing the Indians of the Six Nations in the English Interest, that the said Mr Lydius has drawed the greatest part of the Money out of his Hands, praying that the Account may be settled, and that the Memorialist may be discharged upon paying the Ballance:

[Read and]

*Voted* that the Petr Thomas Hutchinson Esqr pay to the province Treasurer the Sum of forty eight pounds fourteen shillings & six pence And Also Nine pounds one shilling & four pence Lawfull money to John H Lydias Esqr of Albany And upon his so doing that he be discharged from the Sum of Twenty five Hundred pounds within mentioned. [*Passed February 20.*

Legislative Records of the Council, xx., 409. Mass. Archives, ciii., 300.

Mass. Archives, ciii., 299. House Journal, pp. 233, 239. Province Laws, xiii., 498, chaps. 87, 89.

## CHAPTER 289.

ORDER GRANTING TO JOHN NASH LICENCE TO KEEP AN INN.

A Petition of John Nash of Weymouth, Innholder, shewing that by Reason of Sickness he was prevented from renewing his Licence at the proper Term, Praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered at their next Term to renew his Licence.

Read &

*Ordered* that the prayer of the petn be granted & that the Justices of the Court of General sessions of the peace for the County of Suffolk at their Next Term be & hereby are Impowered if they think fit to Licence the petr an Inholder in the Town of Weymouth he Obtaining the Approbation of the select men of Sd Town the Time for granting of Licences being Elapsed Notwithstanding. [*Passed February 20.*

Legislative Records of the Council, xx., 409. Mass. Archives, cxi., 346.

Mass. Archives, cxi., 345. House Journal, p. 237.

## CHAPTER 290.

ORDER ALLOWING £8 TO AMOS PARLING.

A Petition of Amos Perlin a Soldier in the late Expedition under Major General Winslow, Praying that he may be allowed, the Charge of his Sickness, while he was in the said Service out of the publick Treasury.

Read &

*Ordered* that there be Allowed & paid out of the publick Treasury to the petr Amos parling the Sum of Eight pounds he paid his Nurses while sick In full of his Acct. [*Passed February 20.*

Legislative Records of the Council, xx., 409. Mass. Archives, xxiv., 304.

Mass. Archives, lxxiv., 304. House Journal, pp. 191, 209, 227, 242.

## CHAPTER 291.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PETN OF THOMAS GILBERT, JUNR, IN REGARD TO MINISTERIAL DUES.

Legislative Records of the Council, xx., 366, 410. Mass. Archives, xiii., 632.

A PETITION of Thomas Gilbert Junr Agent for the first Precinct in Brookfield shewing that the said Precinct had granted a Salary for the present Year for their Minister Mr Elisha Harding, before the setting off from them a third Precinct, & setting over many of their Inhabitants to the second Precinct, Praying that the said Salary may be assessed upon all that were Inhabitants of the said first Precinct at the time when it was granted.

Mass. Archives, xiii., 626–631. Legislative Records of the Council, xx., 297. House Journal, pp. 186, 190, 228, 243, 244. *Ante*, p. 143, chap. 338.

The Committee to whom was referr'd the Petition of Thomas Gilbert junr Agent for the first Parish in Brookfield, having heard the Parties and considered the said Petition and Answer thereto, are of Opinion, that the several Grants in said Petition, mentioned be levied on all the rateable Polls and Estates that were included in the first Parish before the same was divided; and that the present Assessors for the Town aforesaid be authorized and directed to assess and levy the same accordingly, in such Manner and Proportion, as if no such Division had been made; and to issue their Warrants to the Constables of the same Town, requiring them to collect such Assessment and to pay the same to the Treasurer of the said Town, to be applied to the Use of the Revd Mr Harding, and to the other Purposes for which the same was granted: and the said Constables are hereby required & impowered to execute the said Warrants accordingly: Which is humbly submitted.

Per Order of the Committee, S. DANFORTH.

Read and

*Ordered* that the above Report be Accepted and all Persons Concerned Are hereby required to Conform themselves Accordingly. [*Passed February 20.*

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## CHAPTER 292.

ORDER GRANTING TO RUTH FITTS LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xx., 410. Mass. Archives, cxi., 344.

A PETITION of Ruth Fitts of Danvers in the County of Essex, Praying, for Reasons therein mentioned, that the Court of General Sessions of the Peace for the said County may be allowed to licence her to retail strong Liquors there.

House Journal, pp. 237, 238.

Read &

*Ordered* that the prayer of the petition be granted and that the Justices of the Court of General sessions of the peace for the County of Essex at their Next Term be & hereby are Impowered if they think fit to Licence the petr a Retailer of Spirituous Liquors in the House she now Lives in in Danvers she first Obtaining the Approbation of the Selectmen of Sd Danvers the time for granting of Licences being elapsed notwithstanding. [*Passed February 20.*

## CHAPTER 293.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF BEZALIEL TOPPAN IN REGARD TO A DECISION.

A Petition of Bezaliel Toppan of Salem Physician, setting forth the Proceeding had in a Controversy between Andrew Hall of Boston and the Petitioner, more especially in Relation to the Referres to whom they had left the Determination of their Differences, Two of whom agreed upon and signed the Award, without giving him an Opportunity to be present, praying for Relief from this Court.

Read &

*Ordered* that the Petitioner serve the adverse Party Andrew Hall with a Copy of this Petition, that he shew Cause if any he have, on Tuesday next why the Prayer thereof should not be granted, if the Court be then Sitting, if not, on the first Fryday of the next Sitting of this Court & all Proceedings relating thereto are stayed in the mean time. [*Passed February 20.*

Legislative Records of the Council, xx., 410.

House Journal, p. 240.

## CHAPTER 294.

ORDER ALLOWING £5 AND A FURTHER AMOUNT OF £5. 0. 7½ TO HENRY WOODS.

A Petition of Henry Woods of Groton, a Soldier in the late Expedition under Major General Winslow, Praying that the Charge of his Sickness while he was in the said Service, may be paid out of the publick Treasury.

Read &

*Ordered* that there be Allowed & paid out of the publick Treasury the sum of five pounds of What he paid to his Nurses before he Came to Boston And the further Sum of five pounds & seven pence ½ by him paid Mrs Sharrow of Boston for Nursing him while Sick. [*Passed February 20.*

Legislative Records of the Council, xx., 410. Mass. Archives, lxxiv., 331.

Mass. Archives, lxxiv., 330. House Journal, pp. 227, 242. *Ante*, p. 260, chap. 235.

## CHAPTER 295.

ORDER IMPOWERING THOs HALE & SARAH LANE, EXECUTORS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Thomas Hale and Sarah Lane Executors of the last Will and Testament of Job Lane late of Brookfield, decd shewing that the Personal Estate of the Deceased, and what he had in his last Will allotted of his Real Estate proves insufficient to pay the Debts, therefore Praying that the Petitioners may be enabled to sell the Testators Tracts of Land and Buildings as well in the Town of Brookfield as in Ware River Parish, for the Purposes aforesaid:

Read and

*Ordered* that the prayer of the Petition be Granted and that the petitioners be & hereby are fully Impowered to make Sale of the Land within mentioned for the most the same will fetch after duly

Legislative Records of the Council, xx., 409. Mass. Archives, xix., 248.

Mass. Archives, xix., 247. House Journal, pp. 245, 246. Province Laws, ii., 151, chap. 10.

posting up Notifications of y^e^ time & place of Sale agreable to method prescribed by y^e^ Law pass'd in the Sixth year of the reign of His Late Majestye King George the first Chap: 3^d^ Relating to Executors & administrators seling land & that the petitioners first give bond with suretys to the Judge of Probate for y^e^ County of worcester To account for y^e^ money arising by Such Sale & that the overpluss if any there be After the Just debts & Necessary Charges are paid suffer a division among the heirs according to Law. [*Passed February 21.*[1]

## CHAPTER 296.

ORDER IMPOWERING THE TOWN OF HOLDEN TO LEVY AND COLLECT A TAX OF THREE FARTHINGS PER ACRE.

Legislative Records of the Council, xx., 297. Mass. Archives, xiii., 587, 588, 590a.

Mass. Archives, xiii., 589. Legislative Records of the Council, xx., 411. House Journal, pp. 82, 240.

A PETITION of the Proprietors of the Common & undivided Lands in the Town of Holden; within the County of Worcester, shewing that they have voted to lay a Tax of three farthings an Acre upon all the said Lands, within the said Town, and have chosen Persons, for assessing, collecting & receiving the said Tax, to be disbursed for the finishing their Meeting House, and for as much as the Authority of this Court is necessary, for the Confirmation of the said Votes, Praying that the Court would confirm them accordingly.

In Council Read and

*Ordered* that the prayer of the petition within mentioned be granted, and that the grant of a Tax of three farthings ℔ acre on the Lands within mentioned for the purpose there set forth made by the Town of Holden at their meeting within mentioned, be and hereby is ratified and Confirmed, accordingly and that Sam^ll^ Pierce, Joseph Hubbard, and Jonathan Lovel of said Town be authorized as Assessors, to proportion the Same on the proprietors & Inhabitants of s^d^ Town; and that John Biglow of s^d^ Town be impowered & directed to collect the Same; and that Sam^ll^ Hubbard within mentioned be authorized & required to receive & pay the S^d^ Sum for y^e^ purposes within mentioned. The S^d^ Assessors Collector & Treasurer to have the Same power therein, as the Collectors, Assessors & Treasurers in other Towns by Law are vested with.

[In the House this order was nonconcurred and a committee, of whom James Minot was chairman, was chosen. Their report follows:]

The Com^tte^ to whom was referred y^e^ within Petition having met & maturely Considered the same are humbly of Opinion that y^e^ prayer of the Petition be granted & that the Vote of Council of the 18 Instant[2] thereon be revived & pass this Honourable Court all which is Humbly Submitted ℔^r^ order of y^e^ Com^tte^

JAMES MINOT

In Council
Read and
*Ordered* that the within report be Accepted.
In the House of Rep^s^
Read & Concurred. [*Passed February 21.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 20.
[2] See the first order.

## CHAPTER 297.

VOTE THAT NO SOLDIER SHALL RECEIVE PAY OVER AND ABOVE HIS WAGES FOR NURSING.

*Voted*, That no Soldier in the Service of the Province shall be allowed pay from the Government, over & above his Wages for his nursing or Attendance on any of his fellow soldiers during any Sickness wherewith they may be visited, it being the Duty of an Officer to take care that every man under his command shall perform, as near as may be, an equal part of Service. [*Passed February 21.*

Legislative Records of the Council, xx., 411. Mass. Archives, lxxiv., 344.

House Journal, p. 242.

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## CHAPTER 298.

ORDER IMPOWERING JOHN GILMORE, JUN$^{R}$, TO ENTER AN APPEAL FROM A JUDGMENT.

A Petition of John Gilmore,[1] shewing that he appealed from a Judgment of John Godfrey Esq$^{r}$ One of his Majesty's Justices of the Peace for the County of Bristol upon an Information against him of selling Strong Drink without Licence, but being far from Home, he could not procure Sureties to prosecute his Appeal, and for as much as the principal Witness against him has receeded from his Testimony, Praying that he may prosecute his Appeal to the Court of General Sessions of the Peace for the said County of Bristol,

Legislative Records of the Council, xx., 370. Mass. Archives, cxx., 10.

Mass. Archives, cxx., 8. Legislative Records of the Council, xx., 411.

Read and it appearing that the Adverse Party George Morrey has been served with a Copy of this Pet$^{n}$ and no answer being given in therefore

House Journal, pp. 199, 237.

*Ordered* That the Prayer of the Petition be granted and the Petitioner hereby is impowered to prosecute his Appeal from Judgement of John Godfrey Esq$^{r}$ to the Court of General Sessions of the Peace to be holden at Taunton within and for the County of Bristol on the second Tuesday in March next and the Justices of the said Court are hereby impowered and directed to hear and Try the said Appeal enter up Judgment and award execution thereon in as ample a Manner to all Intents and Purposes as if the said Petitioner had followed the Steps of the Law relating to Appeals and that the pet$^{r}$ Notify the Adverse party George Morey with this Order Seven days before the Trial. [*Passed February 21.*

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## CHAPTER 299.

ORDER IMPOWERING DAVID PARKER, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of David Parker, Guardian of John Nichols of Malden a Minor, shewing that the whole of the said Minors Real Estate consists of about seven Acres of Land, and part of a dwelling House, which would be more beneficial to him if it were converted into Money, praying that it may be sold accordingly.

Legislative Records of the Council, xx., 411. Mass. Archives, xix., 252.

Mass. Archives, xix.,

[1] In Mass. Archives, cxx., 9, the petition is signed by "James Gillmor juner."

251. House Journal, pp. 226, 246, 249.

Read, &
*Orderd* that the Prayer of this Petition be granted, & the Petitioner in his said Capacity be & he is hereby impower'd to make sale of y^e^ said minors Interest in the House in said Petition mentioned, for the most that it will fetch he first giving Publick notice of the intended Sale in time & manner as by Law is directed where Lands are sold by Executors or Administrators: Provided due Caution be given to the Judge of Probate for the County of Middlesex that the Proceeds of such Sale be duly applyed so far as is necessary to discharge such Debts as have arisen for the support & Clothing of said Minor or as shall be need full for his Comfort & Support; and that he account with the said Judge for his Proceedings in the Premises. [*Passed February 21.*

## CHAPTER 300.

ORDER DIRECTING THE TRUSTEES OF HASSANIMISCO INDIANS TO PAY £12. 10 TO THE SELECTMEN OF GRAFTON.

Legislative Records of the Council, xx., 412. Mass. Archives, xxxii., 592.

A PETITION of the Select Men of Grafton, shewing that they have applied to the Trustees of the Indians of that Place, for the Payment of the Charge of the Sickness and Burial of Sarah Burne, one of those Indians, but the said Trustees declined to do any thing therein without the special Order of this Court, Praying this Court would give Order for the Payment of their Account.

Mass. Archives, xxxii., 592. House Journal, p. 245. Province Laws, xiv., 39, note.

Read And
*Ordered* that the prayer of the petition be Granted and that the Trustees of the Grafton Indians be directed to pay for y^e^ purposes within mentioned the sum of Twelve pounds Ten shillings remaining in thar hands towards Reimbursing the petitionrs & that they pay y^e^ Remainder so as fully to In demnifie them out of the Interest mony belonging to the heirs of y^e^ Said Sarah Burne Dec^d^ as it becomes due. [*Passed February 21.*

## CHAPTER 301.

ORDER IMPOWERING MERCY WADSWORTH, ADM^X^, TO SELL REAL ESTATE.

Legislative Records of the Council, xx., 412. Mass. Archives, xix., 250.

A PETITION of Mercy Wadsworth, Widow and Administ^x^ of the Estate of Christopher Wadsworth, late of Duxbury dec^d^ shewing that there now remains of the Debts on said Estate, (and no personal Estate to pay them) One hundred & Six Pounds nine shillings and nine pence, praying She may be impowered to sell so much of the Real Estate as will discharge the said Debts.

Mass. Archives, xix., 249. House Journal, pp. 240, 241, 244. Province Laws, ii., 151, chap. 10.

Read &
*Ordered* that the prayer of the pet^n^ be granted and that the pet^r^ in her Capacity of Adm^x^ to Estate of Christ^o^ Wadsworth Dec^d^ be & hereby is Impowered to make Sale of So much of the real Estate S^d^ Christ^o^ died seized of as to pay the Sum of One Hundred & six pounds seventeen shillings & Charges And to Execute good & sufficient Deed or Deeds to the purchaser or purchasers She observing

the Rules of the Law respecting the Sale of Lands by Executors or administrators & Accout to the Judge of probate for the County of Plymouth for the proceeds thereof. [*Passed February 21.*

## CHAPTER 302.

VOTE SUBSTITUTING Mr JOSEPH BILLING FOR JOHN QUINCY, ESQR, ON THE GUARDIANS OF THE PUNCAPAUG INDIANS.

John Quincy Esqr having declined accepting the Trust of a Guardian to the Puncapaug Indians, to which he was chosen and appointed by this Court:

The two Houses proceeded this day to the Choice of a Guardian of said Indians in his Room; And Mr Joseph Billing was duly elected by the Major Vote to the said Trust. [*Passed February 21.*

Legislative Records of the Council, xx., 413.

House Journal, pp. 249, 251. *Ante*, p. 238, chap. 171.

## CHAPTER 303.

VOTE DESIRING THE CAPTAIN GENERAL TO TAKE OFF THE EMBARGO ON FISHING VESSELS.

A Petition of Jacob Fowle & Robert Hooper Esqrs and a great Number of others, Inhabitants of Marblehead, setting forth the great Inconvenience and Damage to the Fishing Interest there, to have the Embargo extended to the fifteenth of March, Praying that as to the Fishery it may be limitted to the first of March.

Read & thereupon

*Voted* that his Excellency the Capt General be Desired to take off the Embargo Upon Fishing Vessels Upon the first of march Next. [*Passed February 21.*

Legislative Records of the Council, xx., 413. Mass. Archives, lxv., 72.

Mass. Archives, lxv., 71–73. House Journal, p. 250. Province Laws, iii., 837, note. *Ante*, p. 274, chap. 274.

## CHAPTER 304.

ORDER WITH STAY OF ALL PROCEEDINGS IMPOWERING JOSEPH PLAISTED, ADMR, TO BRING FORWARD A WRIT OF REVIEW.

A Petition of Joseph Plaisted Administr of the Estate of Joseph Plaisted Esqr late of York, in the County of York decd shewing that in the Year 1751, the said Joseph Plaisted Esqr (being then Sheriff of the said County) was by one Samuel Walton of the Province of New Hampshire pursued in the Law for the Escape of one Stephen Pierce out of York Goal (althô the said Escape was not occasioned by any Neglect of the said Sheriff) & at the Superr Court in June 1752, the said Walton recovered Judgment against him, upon which the said Sheriff gave Bond to prosecute his Action of Review of the said Causé at the next Term, but was prevented by Sickness, & soon after that he died, & the said Walton is since deceased, by which Means the Petr is rendered uncapable of prosecuting his Action of Review without the Aid of this Court, Therefore Praying that he may be impowered to bring forward an Action

Legislative Records of the Council, xx., 317. Mass. Archives, xix., 166, 167.

Mass. Archives, xix., 163–176. Legislative Records of the Council, xx., 413. House Journal, pp. 87, 109, 224, 250.

of Review against the Administrat$^{r}$ of the said Waltons Estate or to bring his Action against the Treasurer of the County, because of the Insufficiency of the Prison, as the Real Ground of the said Escape, & that he may not be obliged to satisfy the Judgment recovered till the Issue of his Action.

The Committe to whom was Refer'd the petition within mentioned haveing fully Considered the Same, with the papers Accompaing it Are of Opinion that the prayer of the petition be So far Granted that the petitioner in his Capacity Afors$^{d}$ be Impower'd to bring forward a writt of Reivew at the Next Superiour Court to be holden for the County of York in an Action wherein the S$^{d}$ Joseph Plaisted Dec$^{d}$ was the Original Defend$^{t}$ Against the Exec$^{rs}$ of the Testament of Sam$^{ll}$ Walton Dec$^{d}$ and all further proceedings On the former Judgment in the mean time be Stay'd

℔ Order JOHN GREENLEAF

Read and

*Ordered* that the above Report be Accepted & that the Pet$^{r}$ (in his Capacity aforesaid) be and hereby is impowered to bring forward his Writt of Review at the next Superiour Court of Judicature to be holden at York within and for the County of York of the Action mentioned in the Petition against the Executors of the Testament of Sam$^{ll}$ Walton dec$^{d}$ and the Justices of the said Court be and hereby are impowered and directed to hear and Try the same enter up Judgement and award Execution thereon and the Execut$^{n}$ and all other Proceedings on the former Judgement are staid in the Mean Time provided the Pet$^{r}$ give Sufficient Caution to the Sheriff of the County of York to Respond what may be finally adjudged due w$^{th}$ Interest from this day until paid. [*Passed February 21.*

## CHAPTER 305.

ORDER ALLOWING £3. 19. 11 TO D$^{R}$ ELEAZ. HARLOW.

Legislative Records of the Council, xx., 414. Mass. Archives, lxxiv., 340.

A PETITION of Eleazer Harlow of Duxbury Physician, praying that he may be allowed his Accompt of Charge for Medicines for several Sick Soldiers belonging to the Forces late under the Command of Major General Winslow.

Mass. Archives, lxxiv., 340. House Journal, pp. 241, 243.

Read &

*Ordered* that there be Allowed & paid out of the publick Treasury Unto the pet$^{r}$ Elea$^{r}$ Harlow the sum of Three pounds Nineteen shillings & Eleven pence In full discharge of the Acc$^{t}$ within mentioned. [*Passed February 21.*

## CHAPTER 306.

ORDER ALLOWING THE COMMITTEE ON THE BROOKFIELD AFFAIR £11. 12. 3½ TO BE PAID BY THE TOWN.

Legislative Records of the Council, xx., 414.

AN ACCOMPT presented by the Committee on the Affairs of Brookfield of their Time & Expence in attending the same, amounting to £11.12.3½.

House Journal, p. 237

Read &

*Ordered* that the Sum of Eleven Pounds, twelve Shillings & three pence half penny be paid by the Town of Brookfield to Samuel Watts Esq[r] and others, the within mentioned Committee in full Discharge of their Accompt. [*Passed February 22.*

(April, 1754); pp. 240, 251. *Ante*, p. 143, chap. 338.

## CHAPTER 307.

VOTE DESIRING THE CAPTAIN GENERAL TO SEND WARLIKE STORES TO BROAD BAY.

*Voted* that his Excellency the Captain General be desired to give Order that there be Sent to Broadbay Three small Canon two pounders One Barrel of Powder & a proper proportion of Ball out of the Magazine of the province And put the same Under the Care of some proper Officer there to be improved for the defence of that place Against the Common Enemy & not otherwise. [*Passed February 22.*

Legislative Records of the Council, xx., 414. Mass. Archives, lxxiv., 345.

House Journal, pp. 250, 251.

## CHAPTER 308.

VOTE ALLOWING £47. 8. 3 TO DAVID INGERSOL, ESQ[R].

An Accompt presented by David Ingersol Esq[r] of the Charge of billeting Connecticut Men sent for the Relief of the Inhabitants of the Town of Sheffield in the late Time of Danger from the Indians, amounting to £58.4.2.

*Voted* that there be allowed & paid out of the publick Treasury to David Ingersol Esq[r] the Sum of Forty seven Pounds, eight Shillings and three pence, and by him to be paid to the several Persons to whom it is due, in full Discharge of the within Accompt. [*Passed February 22.*

Legislative Records of the Council, xx., 414.

Legislative Records of the Council, xx., 322, 323. House Journal, pp. 101, 246.

## CHAPTER 309.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF WORCESTER AND ALLOWING £3. 4. 8 EXPENSE THEREOF.

The Committee for Letting out to farm the Excise upon Spirituous Liquors &c[a] in the County of Worcester reported that they had let out the same to Major John Chandler of Worcester for £351 and taken Bond of him with Sureties and lodged the same in the Treasury, their Accompt of Charge amounting to £3.4.8.

Read &

*Ordered* that the report be Accepted & that the sum of Three pounds four shilling & Eight pence be Allowed & paid out of the publick Treasury to S[d] Committee in Discharge of their Travil & Expences. [*Passed February 22.*

Legislative Records of the Council, xx., 415. Mass. Archives, cxx., 21.

Mass. Archives, cxx., 19. Province Laws, iii., 824, note. House Journal, p. 251. *Ante*, p. 246, chap. 197.

## CHAPTER 310.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA &c. FOR THE COUNTY OF WORCESTER, AND ALLOWING 18/ EXPENSE THEREOF.

Legislative Records of the Council, xx., 415. Mass. Archives, cxx., 26.

THE COMMITTEE for letting out the Excise upon Coffee, Tea, &c[a] in the County of Worcester, reported that they had let out the same to M[r] Nathaniel Green of Worcester for £4.1 and taken Bond of him with Sureties, and have lodged the same in the Treasury, their Accompt of Charge amounting to £0.18.0.

Mass. Archives, cxx., 25. House Journal, pp. 250, 251. *Ante*, p. 187, chap. 48; p. 229, chap. 151.

Read and

*Ordered* that the foregoing Report be Accepted And that the sum of Eighteen Shillings be Allowed & paid out of the publick Treasury to S[d] Com[tee] in Discharge of the Above Acc[t]. [*Passed February 22.*

## CHAPTER 311.

ORDER FOR CALLING A TOWN MEETING AT DUNSTABLE.

Legislative Records of the Council, xx., 415. Mass. Archives, cxvi., 707.

THE COMMITTEE to whom was referr'd the Petition of Ebenezer Sherwin & others, Eleazer Tyng Esq[r] and others of the Town of Dunstable, as also the Petition of M[r] John Tyng &c[a] with the Papers accompanying the same, having heard the Parties, concerned beg Leave to observe that it appears to the Committee that the main Ground of the unhappy Controversy subsisting betwixt the Parties, is the diversity of their Sentiments touching the most suitable and convenient Place for the Meeting House for publick Worship refer'd to in the Petition first before mentioned, (which House as yet remaining unfinished) and that there is as yet no hopeful Prospect of reconciling their Controversies by settling any lesser Matters of Dispute among them: The Committee are therefore humbly of Opinion that the Inhabitants of the said Town of Dunstable be assembled sometime in the Month of March to chuse Select Men and other needful Town Officers, and to agree, if it may be, upon some Place which shall be judged most Convenient, where to erect their Meeting House aforesaid; Unless the Place where said House now stands be thought most convenient; And the further Consideration of said Petitions be referr'd to the next Sitting of this Court: Also that all Proceedings in the Law against the Constables or Collectors in said Town, in said Town,[1] for his or their past Doings in collecting the Taxes last made in said Town, be staid in the mean time; The Committee are further humbly of Opinion that some disinterested Person be appointed and authorized by this Court to call a Meeting of the Inhabitants of Dunstable for the Purposes aforesaid, and such other Purposes as may be mentioned in the Notification to be posted up in some publick Place or Places within said Town, setting forth the Time, Place and Occasion of such Meeting, at least fourteen days before the Time for holding the same: And that the same Person who may be authorized to call said Meeting, may by Order of this Court be appointed Moderator of said Meeting, and the said Constables or Collectors proceed no further in collecting said last men-

Mass. Archives, cxvi., 706, 708. Maps and Plans, Mis., xxxv., 26. Legislative Records of the Council, xx., 292, 411. House Journal, p. 252[a]. *Ante*, p. 205, chap. 98.

[1] *Sic*, and underlined in the original.

tioned Taxes: All which is humbly submitted. Per Order of the Committee John Hill.

Read & Accepted And

*Ordered* that Samuel Danforth Esq[r] be and hereby is authorized and impowered to call a Meeting of the Town [of] [1] Dunstable as mentioned in the within Report and to be Moderator of the same and all Persons concerned are to conform themselves accordingly. [*Passed February 24.*

## CHAPTER 312.

VOTE IMPOWERING HENRY SWEET, ADM[R], WITH OTHERS, TO EXECUTE A DEED.

A Petition of John Sweet of Attleborough, shewing that in the Life time of his Father John Sweet dec[d] he purchased of him about twenty five Acres of Land lying in said Town, and paid for the same, and the Deed was drawn but thrô the Pet[rs] Negligence it was not signed, Praying that this Court would impower Henry Sweet the Administ[r] to execute the said Deed to the Petitioner.

Legislative Records of the Council, xx., 416. Mass. Archives, xix., 246.

Mass. Archives, xix., 245. House Journal, pp. 221, 251[a], 252[a].

Read &

*Voted* that the prayer of the Petition be so far granted as that Henry Sweet within mentioned be & hereby is Impowered in Conjuction with the other Children of the S[d] John Sweet Dec[d] & with the Consent of their Guardians & Husbands make & Execute a Deed of the premisses Mentioned in the petition To the petitioner & his heirs their Minority Notwithstanding which Deed So made shall be sufficient Evidence of the Title of the Petitioner to the Premisses. [*Passed February 24.*

## CHAPTER 313.

VOTE ALLOWING £3. 8. 6 TO CHARLES GOODRICH AND £2. 10. 6 TO ABNER DEWEY.

A Memorial presented by D[r] Israel Ashley in behalf of divers Persons in the Western Frontiers who had billeted Connecticut Soldiers at the Time of the late Attacks from the Indians, Praying that the Charge may be allowed to them, to be paid out of the publick Treasury.

Legislative Records of the Council, xx., 417. Mass. Archives, lxxiv., 337.

Mass. Archives, lxxiv., 338. House Journal, pp. 240, 246.

Read &

*Voted* that the sum of Three pounds eight shillings and six pence be Allowed & paid out of the publick Treasury to the pet[r] & by him to be paid to the within Mentioned Goodrich & the Sum of Two pounds Ten shillings & Six pence to S[d] Dewey. [*Passed February 25.*

[1] Inserted from Legislative Records of the Council, xx., 416.

## CHAPTER 314.

ORDER REFERRING THE PETITION OF MOODY RUSSELL, FOR LEAVE TO APPEAL FROM A JUDGMENT.

Legislative Records of the Council, xx., 417. Mass. Archives, xliv., 175, 179.

THE PETITION of Moody Russell of Barnstable humbly Sheweth That your Petitioner being Aggrieved by a Judgment of the Court of General sessions of the peace holden at Barnstable within and for the County of Barnstable In October Last upon the Complaint of David Goreham Esq[r] For selling Rum Contrary to Law since the 11[th] day of July Last & before the First of October Prayeth that he may have Liberty of Appeal, etc.

Mass. Archives, xliv., 175–178. Legislative Records of the Council, xx., 284. House Journal, pp. 29, 30, 31, 64, 112, 253.

Read and

*Ordered* that the Consideration of this Petition be further referred to the second Tuesday of the next sitting of this Court. [*Passed February 25.*

## CHAPTER 315.

VOTE DESIRING THE GOVERNOR TO APPOINT A PUBLIC FAST.

Legislative Records of the Council, xx., 419. Mass. Archives, xiii., 633.

THE USUAL TIME of the anniversary day of Fasting & Prayer drawing near, and there being affairs of the utmost importance to this & the other British Governm[ts] in america, agitating & under consideration

Mass. Archives, xiii., 634. House Journal, pp. 253, 255. Love's Fast and Thanksgiving Days of New England, p. 497.

*Voted* that his Excellency the Gov. be desired with the advice of the Council to appoint a Day as soon as conveniently may be, to be set apart for Solemn fasting & Prayer for the Divine presence & blessing in the advancing year & particularly that God would Direct & succeed us in our publick, great & important concerns. and that all servile Labour & Recreations be strictly forbidden on s[d] Day.[1] [*Passed February 26.*

## CHAPTER 316.

ORDER GRANTING TO DAVID LYNDE LICENCE TO KEEP AN INN.

Legislative Records of the Council, xx., 420. Mass. Archives, cxi., 343.

A PETITION of David Lynde of Leicester, shewing that he has purchased a Farm in said Town, that his House there is commodiously situated for an Inn, & has been used as an Inn for above Twenty Years last past; Therefore Praying that the Court of General Sessions of the Peace for the County of Worcester may be impowered to grant the Petitioner a Licence, to be an Innholder.

House Journal, p. 257.

Read &

*Ordered* that the prayer of the Petition be granted And that the Justices of the Court of General sessions of the peace for the County of Worcester at their Next Term be & hereby are Impowered If they think fit to Licence the Pet[r] to be an Inholder in the Town of Liecester he Obtaining the Approbation of the selectmen of S[d] Town the Time for Granting of Licences being Elapsed Notwithstanding. [*Passed February 26.*

[1] The fast was appointed for the 20[th] March, 1755, and was public.

## CHAPTER 317.

VOTE ALLOWING £800 FOR BUILDING BARRACKS AT CASTLE WILLIAM.

*Voted* That a Sum not exceeding Eight hundred Pounds lawfull Money be and hereby is granted for the building of Barracks at Castle William for the Reception of Soldiers, the said Money to be put into the hands of a Committee to be appointed for that purpose by the two Houses, which Committee are hereby strictly injoined not to extend the said Works so as to Occasion any further Charge to this Province in Order to compleat the same and that the work may be done in the most cheap & expeditious manner, the Committee are directed to give seasonable public Notice to all workmen &c of the building of the said Barracks the said Committee to be Accountable. [*Passed February 27.*

Legislative Records of the Council, xx., 421. Mass. Archives, lxxiv., 350.

Legislative Records of the Council, xx., 418, 421. House Journal, p. 258. *Ante*, p. 254, chap. 215.

## CHAPTER 318.

ORDER FOR ERECTING A BEACON ON THE SPIT OF SAND NEAR THE LIGHT HOUSE.

*Ordered* That the Committee upon the repairs of the Castle be directed to cause to be erected a Beacon on the Spit of Sand near the Light-house, in the room of that which was carried away by the late Storm. [*Passed February 27.*

Legislative Records of the Council, xx., 421. Mass. Archives, lxv., 75.

House Journal, p. 259. Province Laws, xiv., 507, chap. 252.

## CHAPTER 319.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF SUFFOLK AND ALLOWING £3. 1. 6 FOR THE EXPENSE THEREOF.

The Committee for Letting out to farm the Excise upon Spirituous Liquors &c[a] in the County of Suffolk, made report that they had let out the same to Elisha Jones for Two Thousand four hundred & twenty Pounds, & have taken his Bond with Sureties, The Committees Account of Time and Expence in the said Service, amounting to the Sum of £3.1.6.

Read &

*Ordered* That this Report be Accepted & that the sum of three pounds One shilling & six pence be allowed & paid out of the public Treasury to the Com[tee] appointed to farm out the Excise on Spirituous Liquors &c in the County of Suffolk for their Time & Expence in said Service. [*Passed February 27.*

Legislative Records of the Council, xx., 421. Mass. Archives, cxx., 24.

Mass. Archives, cxx., 23. House Journal, p. 258. *Ante*, p. 246, chap. 196.

## CHAPTER 320.

ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative Records of the Council, xx., 422.

House Journal, p. 259.

*Voted* that all Matters lying before this Court, and not pass'd on, have the same day at the next Sitting & be referr'd accordingly. [*Passed February 27.*

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## CHAPTER 321.

VOTE THAT THE CAPTAIN GENERAL, UPON INFORMATION OF THE INTENTION OF THE OTHER GOVERNMENTS TO JOIN IN THE PROPOSED EXPEDITION AGAINST CROWN POINT, ISSUE HIS PROCLAMATION FOR ENLISTING THE TROOPS TO BE FURNISHED BY THIS PROVINCE.

Mass. Archives, lxxiv., 349.

Legislative Records of the Council, xx., 395, 397, 399 *bis*, 400 *bis*, 401, 402 *bis*.

*Voted* That upon his Excellency the Governour's being informed that the Governments of Connecticut Rhode Island & New Hampshire consent to the proposed Expedition to Crown-Point, then he be desired forthwith to issue his Proclamation for the raising of this Provinces Quota of the four thousand Men exclusive of the eight hundred men proposed to be raised by New York, depending on their bearing their proportion of said Expedition by finding Cannon and Warlike Stores Provisions Battoes &c in case that Government don't raise said men; and upon said proclamations being issued the members of this Court are absolved from their Oath of Secrecy so far as relates to the said Expedition.[1] [*Passed February 27.*

[1] Not found in the House Journal.

# RESOLVES, ORDERS, VOTES, ETC.

## Passed at the Session begun and held at Boston, on the Twenty-fifth Day of March, A.D. 1755.

## CHAPTER 322.

VOTE DESIRING THE GOVERNOUR TO REQUEST THE COMMANDERS OF HIS MAJESTY'S SHIPS OF WAR AT NEWFOUNDLAND TO PREVENT THE EXPORTATION OF PROVISIONS TO THE FRENCH.

Legislative Records of the Council, xx., 426. Mass. Archives, lxv., 81.

House Journal, p. 264. Province Laws, iii., 838, note. *Ante*, p. 270, chap. 261. *Supra*, chap. 321.

*Voted* that his Excellency y^e^ Governour be desird to write to y^e^ Commanders of his Maj^tys^ Ships of War & other of his Maj^tys^ Officers in Newfoundland to restrain as much as in them lies the Exportation of any Provisions to y^e^ French Settlements in America & to acquaint them with y^e^ Resolutions of this & y^e^ Neighbouring Governments on that head. [*Passed March 26.*

## CHAPTER 323.

ORDER ADJOURNING THE INFERIOUR COURT OF COMMON PLEAS FOR MIDDLESEX COUNTY.

Legislative Records of the Council, xx., 426. Mass. Archives, xliv., 159.

House Journal, pp. 263, 264.

Whereas the Inferiour Court of Common Pleas for the County of middlesex stands adjourn'd to the first Tuesday in april next; and Whereas two of the Justices of said Court will probably be Unable (by reason of Bodily Indisposition) to give their attendance thereat at the time mentioned; and whereas divers Persons concerned in said Court, are members of the General Court or assembly, & the Importance of the more Publick affairs of the Province now depending, demand their attendance on Duty there:

Therefore

*Order'd* that all Suits, Process, Recognizances and other matters whatsoever, having Day in the said Court of Common Pleas to be holden by adjournment as aforesaid, be & they are hereby Continued unto the Inferiour Court of Common Pleas to be holden at Cambridge, within & for the s^d^ County of middlesex on the third Tuesday in may next, and shall be then & there heard, tryed & determined, and such Tryal & Determination shall be deem'd good & effectual in Law, to all Intents & Purposes as if had or made within the Town of Charlestown at the adjournment of s^d^ Court first before mentioned: and the Justices of said Court & all Persons concern'd are to conform themselves accordingly. [*Passed March 26.*

## CHAPTER 324.

VOTE ACCEPTING REPORT OF COMMITTEE ON THE GOVERNOR'S SPEECH, IN REGARD TO THE WESTERN EXPEDITION AND ORDER DIRECTING COPIES THEREOF TO BE SENT TO GOVERNMENTS OF CONNECTICUT, NEW HAMPSHIRE AND RHODE ISLAND.

Legislative Records of the Council, xx., 426.

THE REPORT of a Committee of both Houses appointed to take under Consideration his Excellency's Speech from the Chair, on the 25th Instant,

Legislative Records of the Council, xx., 424,425. House Journal, p. 261. *Ante*, p. 294, chap. 321.

The Committee are humbly of Opinion, that His Excellency be desired forthwith to issue his Proclamation to encourage the enlisting the Forces proposed to be raised on the Part of this Province for the Western Expedition; and as nothing has a more probable Tendency to promote the Design of said Expedition than engaging a great Number of the Indians of the Six Nations therein; The Comtee are further of Opinion that His Excellency be desired to write to Colo William Johnson by Express, and to engage him to use his utmost Endeavours to secure & prepare for that Service as many of those Indians as may be; and to assure him that the necessary Charges that may arise therein shall be born, and paid by this Province in the same Proportion to the rest of the Governments concerned, as the other Charges arising from this Expedition shall be determined to be paid.

And in as much as it doth not yet appear in what Manner the Government of New York will make Provision for the Service of the Expedition, the Committee are of Opinion that it will be most convenient to defer the Procuring of Battoes untill his Excellencys Arrival in that Province; and in Case it shall not appear that sufficient Provision has been made by the Government there for this part of the Service, That his Excellency be desired in such Case, then to engage in behalf of this Province for its Proportion of said Battoes as he shall judge reasonable, & necessary; and to cause the same to be provided accordingly.

The Committee apprehending it to be of Importance that the Matters foregoing should be forthwith acted upon, thought it proper to make this Partial Report, and to desire Leave to sit again, and to consider and report on the other Matters contained in his Excellency's Speech; All which is humbly submitted By Order of the Comtee J. OSBORNE.

Read & Accepted, and thereupon

*Ordered* that Copies of this Report be transmitted to the Governments of Connecticut, New Hampshire and Rhode Island. [*Passed March.26.*

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## CHAPTER 325.

VOTE APPOINTING A COMMITTEE OF WAR ON THE EXPEDITION TO THE WESTWARD

Legislative Records of the Council, xx., 427. Mass. Archives, lxxiv., 362.

In ye House of Reps

*Voted* that Mr Speaker Mr Welles. Collo Brattle Mr James Bowdoin Capt Williams & Mr James Russel wth such as ye Honble Board shall Joyn be a Committee on the part of the Goverment to provide

for y^e^ Intended Expedition to y^e^ Westward. a sufficient quantity of Provisions & Warlike Stores and other things necessary. and that y^e^ Committee in procuring the same give the Preference to the Inhabitants & the Produce of this Province

In Council Read & Concur'd & John Osborne, Jacob Wendell, Ezek^l^ Cheever Jn^o^ Wheelwright Tho^s^ Hutchinson & Sam^l^ Watts Esq^rs^ are joined in the Affair. [*Passed March 26.*

Mass. Archives, lxxiv., 362. Legislative Records of the Council, xx., 427. House Journal, p. 264. Province Laws, iii., 941, note. *Supra*, chap. 324.

## CHAPTER 326.

ORDER IMPOWERING NATH^L^ LORING, GUARDIAN, TO EXECUTE A DEED.

A Petition of Nathaniel Loring of Boston Merch^t^ father & Guardian of Hannah Loring a Minor, shewing that She is a Proprietor with others, in the Petition named, of the greatest Part of the Lands in the Township of Colrain, otherwise called Boston N^o^ two, that all the rest of the Proprietors have agreed to divide their common and undivided Lands, and have accordingly got them surveyed and laid out into Lots, praying that the Petitioner as Guardian to his Daughter may be impowered to join with the other Proprietors in said Partition, and to execute such Deeds and Instruments as may be necessary for confirming the same

Read and

*Ordered* that the Petitioner Nath^l^ Loring in his Capacity as Guardian, be and he is hereby impowered in behalf of his Daughter a Minor to execute a Divisional Deed, pursuant to the Agreement and Partition set forth in said Petition, and that the Partition aforesaid shall be as valid and effectual, as if said Daughter was of Age, and had executed the same.[1] [*Passed March 26.*

Legislative Records of the Council, xx., 427.

House Journal, p. 262.

## CHAPTER 327.

VOTE IMPOWERING JAMES BOUTENEAU & WILLIAM BOWDOIN, GUARDIANS, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of James Beautineau & James Bowdoin Esq^r^ Guardians of the Minor Children of Belthazer Bayard, shewing that in December last[2] they petitioned this Court for Liberty to sell divers Peices of Land belonging to said Minors, (all as they then thought) lying in the Town of Eastham, but it happens that one of those Peices of Land lyes in the Town of Harwich, therefore praying that they may be impowered to sell the same.

*Voted* that y^e^ Prayer of this Petition be granted & that y^e^ Petitioners in their s^d^ Capacity be & are hereby Impowerd to make sale of y^e^ piece of Land mentiond in s^d^ Petition to said Nathan Young & Execute a good Deed of sale for passing y^e^ Title of y^e^ same, & that y^e^ Money arising by s^d^ Sale be let out on Interest for y^e^ Benefit

Legislative Records of the Council, xx., 428. Mass. Archives, xix., 273.

Mass. Archives, xix., 271. House Journal, p. 127 (December, 1753); p. 262. *Ante*, p. 122, chap. 283.

[1] The final action on this petition not found in the House Journal.
[2] A mistake, evidently, for 1753. See *ante*, p. 78, chap. 176.

of their Wards & that the said Guardians give Bond to y^e^ Judge of Probate for y^e^ County of Suffolk for y^e^ faithfull Performance of their Trust as Guardians. [*Passed March 26.*

## CHAPTER 328.

ORDER ALLOWING £7. 12 TO JACOB TUBBS.

Legislative Records of the Council, xx., 429. Mass. Archives, lxxiv., 353.

A PETITION of Jacob Tobbs of Pembrook setting forth the Charge he has been at in the Maintenance of Josiah Mead a disabled and indigent old Soldier, and a Pensioner of this Government, and praying that his Charge may be allowed out of the publick Treasury.

Mass. Archives, lxxiv., 353a. House Journal, p. 263.

[Read and]

*Ordered* that y^e^ Petitioner Jacob Tubbs shall receive out of y^e^ Province Treasury Seven pounds twelve shillings in full discharge of his Demand for boarding & lodging Josiah Meades. thirty Eight Weekes.[1] [*Passed March 27.*

## CHAPTER 329.

ORDER IMPOWERING JOHN HOAR, ADM^R^, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 429. Mass. Archives, xix., 244.

A PETITION of Margaret Stratton Widow of Jabez Stratton late of Lincoln Dec^d^ and John Hoar Administrator and others, shewing that the Personal Estate is insufficient to pay the Debts, and the Widow in an infirm & languishing Condition; Praying that the Real Estate may be sold, the Debts paid out of the Produce, and the Widows Dower put into the Hands of suitable Trustees, and She releived out of it as her Circumstances may require.

Mass. Archives, xix., 243. House Journal, pp. 224, 262, 263.

Read &

*Orderd* that y^e^ Prayer of this Petition be so far granted that y^e^ s^d^ John Hoar[2] in his Capacity as Administrator be Impower'd to make Sale of all y^e^ real Estate w^h^ the said Jabez died seized & possess'd of & to make & Execute a good Deed or Deeds for conveying the same to such Person or Persons that will give most for it. he to observe y^e^ Directions in the Law for y^e^ sale of Real Estates. & that one third part of y^e^ proceeds of such sale be allotted to y^e^ said Widow during her Naturall Life she giving Bond to y^e^ Judge of Probate for the County of Middlesex w^th^ sufficient Surety that y^e^ said third part shall at her Decease return to y^e^ Lawfull Heirs of y^e^ said Jabez & that the said John Hoar be Accountable to y^e^ Judge of Probate for the other two thirds. [*Passed March 27.*

[1] Final action on this petition not found in the House Journal.
[2] The House Journal, p. 263, reads, "*John Starr.*"

## CHAPTER 330.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF DUNCAN CAMPBELL TO SET OFF ONE JUDGEMENT AGAINST ANOTHER.

A Petition of Duncan Campbell of Oxford, shewing that notwithstanding he had fully paid off a Bond he had given to Elisha Putnam, yet the said Putnam's Receipts not being endorsed on the Bond, Putnam assigned over the Bond to David Hall who has recovered Judgment against the Petitioner, and the Petitionr has Judgment against the said Putnam; Praying that the Sheriff of the County of Worcester, may be ordered by this Court to set one Judgment against the other, and Execution against the Petitioner be staid in the mean time.

Legislative Records of the Council, xx., 430. Mass. Archives, xliv., 162.

Mass. Archives, xliv., 160. House Journal, p. 265.

Read &

*Orderd* that ye Petitioner serve ye adverse Party David Hall with a Coppy of this Petition that he shew Cause (if any he have) on ye 4th of April next if ye Court is then sitting, if not, on ye Second Fryday of ye next Sitting of ye Court in may, why the Prayer thereof should not be granted & that Execution be staid in ye mean time. he sd Campbell giveing Security to ye sheriff of ye County of Worcester to pay all Damages that may be Sustaind by means of this Delay. [*Passed March 28.*

## CHAPTER 331.

VOTE IN REGARD TO THE PROVINCE TAX IN THE TOWNS OF STOUGHTON AND WRENTHAM, HALIFAX AND PEMBROKE.

*Voted* that for the future the sum of five shillings & Ten pence for Each Thousand pounds be taken from the Town of Stoughtons proportion of the province Tax And be Added to the Town of Wrentham And also in the Next province Tax the Town of Stoughton be Abated five pounds three shillings & Ten pence and that Sd Sum be Added to Sd Wrenthams province Tax

Mass. Archives, cxvii., 13.

House Journal, pp. 219, 266. *Ante*, p. 227, chap. 145.

Also that for the future there be taken from the Town of Hallifax proportion of the province Tax fifteen pence for each Thousand pounds & Added to the Town of Pembrook And Also in the Next province Tax the Town of Hallifax be Abated One pound two shillings & two pence & that Sd Sum be added to Sd Pembrook province Tax. [*Passed March 28.*

## CHAPTER 332.

ORDER ALLOWING 18/ OVER AND ABOVE THE BOUNTY, TO EACH SOLDIER ENLISTING FOR THE EXPEDITION WESTWARD.

*Ordered* that there be allow'd and paid out of the Publick Treasury Unto Each able Bodied Effective Non Commission Officer & Private Soldier who shall Inlist in the Expedition Westward the Sum of Eighteen Shillings Over & above the Bounty already Granted

Legislative Records of the Council, xx., 431. Mass. Archives, lxxiv., 377.

Mass. Archives, lxxiv., 374-376. Legislative Records of the Council, xx., 430. House Journal, p. 267. *Ante*, p. 296, chap. 324.

to be paid upon his Inlisting, & In Case he appear upon Muster, without Sufficient Fire Arms S$^{d}$ Sum to be deducted out of his Wages.

And that the wages & Subsistance of S$^{d}$ Non-Commission Officers & Soldiers shall Commence at their Arrival at the Place of Rendezvouz within this Province with a proper additional Allowance for Travel to the Place of Rendezvouz, And that his Excellency the Captain General be desired to Give Assurance to S$^{d}$ Soldiers that they shall not be sent upon any service to the Southward of Albany and be discharg'd in Eight Months from their being first Muster'd and that his Excellency be desir'd to Issue his proclamation Accordingly. [*Passed March 29.*

## CHAPTER 333.

ORDER ALLOWING ADVANCE PAY TO THE SOLDIERS OF THE CROWN POINT EXPEDITION.

Legislative Records of the Council, xx., 431. Mass. Archives, lxxiv., 373.

House Journal, p. 269. *Ante*, p. 294, chap. 321.

*Ordered* as a farther encouragement to Able bodied & Effective men to engage in the Expedition to Crown point that Each Non Commission Officer & private soldier shall receive One Months Advance pay upon the first Muster. [*Passed March 29.*

## CHAPTER 334.

VOTE DESIRING THE CAPTAIN GENERAL TO ENLIST 300 ADDITIONAL MEN FOR THE CROWN POINT EXPEDITION.

Legislative Records of the Council, xx., 432. Mass. Archives, lxxiv., 371.

Legislative Records of the Council, xx., 401. House Journal, p. 269. Province Laws, iii., 942, note. *Supra*, chap. 333.

*Voted* that his Excellency the Cap$^{t}$ Gen$^{l}$ be desired to Inlist Three Hundred Able bodied Effective men for the Expedition to Crown Point In Addition to the Twelve Hundred Already granted And that they shall have the same Bounty & Wages in all Respects as those heretofore Ordered. [*Passed March 29.*

## CHAPTER 335.

VOTE IMPOWERING THE COMMITTEE OF WAR TO APPOINT PERSONS TO CONFER WITH PERSONS APPOINTED BY ANY OF THE GOVERNMENTS IN REGARD TO THE WESTERN EXPEDITION.

Mass. Archives, vi., 196a.

House Journal, p. 271. *Ante*, p. 296, chaps. 324, 325.

*Voted* that the Committee of War be & hereby are authorized & impowered to appoint one or more persons to meet with such person or persons as may be appointed by all or any of the Governments concerned in the Western Expedition & to settle and determine what stores may be necessary to be provided by this & the other Governments respectively for the service of said Expedition. [*Passed March 29.*

## CHAPTER 336.

ORDER SETTING OFF JOHN LITTLEHALE AND OTHERS WITH THEIR ESTATES FROM DRACUT TO DUNSTABLE.

The Petition of us the Subscribers humbly Shew that we have Four Hundred acres of Land in Dracut with Three Houses erected on the same adjoyning to the Town of Dunstable which said Lands is five & a Half Miles distance from Dracut Meeting House and but about Two Miles from a House building in Dunstable for the Publick Worship of God; which will be very inconvenent for us to Attend the Publick Worship of God at Dracut aforesaid your Petitioners therefore humbly Pray your Excellency & Honours that our said Lands may be annexed to the said Town of Dunstable, and your Pet[rs] as in Duty bound Shall ever pray &c

Legislative Records of the Council, xx., 434. Mass. Archives, cv., 491.

Mass. Archives, cv., 490. House Journal, pp. 223, 273.

John Littlehale,
Abraham Littlehale
his
James × Littlehale
marke

Read and it appearing that the Town of Dracut had been served with a Copy of this Petition[1] and have made no Answer thereto Therefore

*Ordered* that the Prayer of the Petition be granted and the Petitioners with their Estates mentioned in the Petition be and hereby are set off from the Town of Dracut and and[2] annexed to the Town of Dunstable there to do Duty and receive Priviledge accordingly Provided the Petitioners pay the Taxes already laid on them by the Town of Dracut. [*Passed April 22.*

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## CHAPTER 337.

ORDER ALLOWING £443. 10. 5 TO JOHN WHEELWRIGHT COMMISSARY GEN[L].

An Accompt presented by John Wheelwright Esq[r] Commissary General of his Disbursem[ts] for the Purchase of Provisions, Cloathing and other Stores for the Forces & Garrisons in the Service of the Province, and of his Receipts of Moneys out of the publick Treasury, Ending in May 1754, Ballance whereof due to the said Commissary General the Sum of is £443.10.5. Read &

Legislative Records of the Council, xx., 434.

House Journal, pp. 147, 215, 216.

*Ordered* that there be allowed and paid out of the publick Treasury to John Wheelwright Esq[r] Commissary General the Sum of Four hundred & forty three Pounds, ten Shillings & five pence, in full Discharge of the above Acco[t]. [*Passed April 22.*

[1] The petition has not been found in Legislative Records of the Council; it is taken from Mass. Archives.
[2] *Sic.*

## CHAPTER 338.

ORDER ACCEPTING THE SPECIES ACCOUNT OF THE COMMISSY GENERAL.

Legislative Records of the Council, xx., 434.

House Journal, p. 91. *Supra*, chap. 337.

AN ACCOMPT presented by John Wheelwright Esqr Commissary General of the several Species of Provisions, by him purchased for the Forces and Garrisons, and the Expence thereof in the Service, and the Ballance remaining in his Hands.

Read &

*Ordered* that John Wheelwright Esqr Commissary General be further accountable for One hundred & eighty three Barrells of Pork; Two[1] hundred & twenty two and ½ Bushells of Pease in his next Accot of Specie. [*Passed April 22.*

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## CHAPTER 339.

ORDER ACCEPTING THE ACCOT OF INDIAN TRADE.

Legislative Records of the Council, xx., 434. Mass. Archives, ccxlviii., 655.

Mass. Archives, ccxlviii., 642. House Journal, p. 92.

AN ACCOMPT presented by John Wheelwright Esqr of Goods by him purchased for the Indian Trade & Furrs, and other Things received in Exchange the last Year, Stock in his Hands being £35,056.18.11 Old Tenor.

*Ordered* that John Wheelwright Esqr the Officer for managing the Indian Trade be further accountable for the Sum of Thirty five thousand and fifty Six pounds, 8/11[2] Old Tenor. [*Passed April 22.*

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## CHAPTER 340.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ARCHIBD GREENFIELD.

Legislative Records of the Council, xx., 435. Mass. Archives, xliv., 128.

Mass. Archives, xliv., 126. House Journal, pp. 242, 276. *Ante*, p. 280, chap. 286.

A PETITION of Archibald Greenfield shewing that by Reason of the late great Storm of Snow he was hindred from seasonably serving William Mayberry with a Copy of his Petition, according to the Order of Court in February last, Praying that said Petn may be continued to the next Session and then considered, & Execution stayed in the mean time:

Read and

*Ordered* that the Petr serve the Adverse Party with a Copy of this Petn that he shew Cause (if any he have) on the second Wednesday of the Next May Session why the Prayer thereof should not be granted & that Execution be stayed in the mean time Provided the Petr give sufficient Security to the Sheriff of the County of Essex to pay what now is or finally may be Adjudgd due. [*Passed April 23.*

[1] The House Journal, p. 91, reads, "four."
[2] Legislative Records of the Council, xx., 435, reads, "eighteen Shillings."

## CHAPTER 341.

ORDER GRANTING TO TIM$^{o}$ TAYLOR LICENCE TO KEEP AN INN.

A Petition of Timothy Taylor of Medfield,[1] shewing that he is removed into a House there, which for more than Thirty years past, has been licenced as a Tavern, Praying that the Court of General Sessions of the Peace for the County of Middlesex, may be impowered at their next Session to grant him a Licence.

Legislative Records of the Council, xx., 435. Mass. Archives, cxi., 348.

Read &

*Ordered* that the prayer of the pet$^{n}$ be granted & that the Justices of the Courts of General sessions of the peace for the County of Middlesex be & hereby are Impowered (if they think fit) to Licence the pet$^{r}$ to be an Inholder in the Town of Medford he Obtaining the approbation of the selectmen of S$^{d}$ Town the time for granting of Licences being Elapsed Notwithstanding. [*Passed April 23.*

Mass. Archives, cxi., 347. House Journal, p. 275.

## CHAPTER 342.

ORDER GRANTING TO JOSEPH PEIRCE LICENCE TO KEEP AN INN.

A Petition of Joseph Peirce, shewing that he has purchased a House in Woburn, well accomodated for an Inn, and which has been used as such for divers Years past, Praying that the Court of General Sessions of the Peace for the County of Middlesex, may be impowered to grant him a Licence at their next Term.

Legislative Records of the Council, xx., 435. Mass. Archives, cxi., 349.

Read &

*Ordered* that the prayer of the Petition be so far granted as that the Justices of the Courts of General Sessions of the peace for the County of Middlesex at their Next Term be & hereby are Impowered if they see fit to Licence the pet$^{r}$ to be an Inholder in the Town of Woburn he Obtaining the Approbation of the Select men of S$^{d}$ Town the time for granting of Licences being elapsed Notwithstanding. [*Passed April 23.*

House Journal, p. 273.

## CHAPTER 343.

ORDER IMPOWERING EDW$^{D}$ AUGUSTUS HOLYOKE, GUARDIAN, TO JOIN WITH OTHERS IN SELLING REAL ESTATE.

A Petition of Edward Augustus Holioke, Guardian to Anna & Priscella Holioke, (Daughters of the Rev$^{d}$ M$^{r}$ Edward Holioke, Presid$^{t}$ of Harvard Colledge,) Minors, shewing that they are interested (with others) in a small House & Land, in Ipswich, which is uncapable of being divided, without great Prejudice, Praying that he may be impowered in behalf of the said Minors, to join with the rest of the Proprietors in the Sale of the said Estate:

Legislative Records of the Council, xx., 436. Mass. Archives, xix., 289.

Read, and

*Order'd* that the Prayer of the within Petition be granted, and that the Petitioner in his Capacity as Guardian of the minors in said Petition mentioned, be, & he is hereby authoriz'd & impower'd

Mass. Archives, xix., 288. House Journal, p. 277.

[1] The House Journal, p. 275, reads, "*Medford.*"

to joyn with the other Persons interested in the Building & Lands mentioned in making Sale of the same, and to execute a good & sufficient Deed or Deeds of Conveyance thereof: The said minors proportion of the Proceeds of such Sale to be let out at Interest, or otherwise improv'd for their greatest Benefit: The said Guardian to be accountable to the Judge of Probate for the County of Middlesex for the Principal Sum & the Interest arising therefrom, (with the application thereof), when thereunto lawfully required. [*Passed April 23.*

## CHAPTER 344.

VOTE OMITTING TAXES ON DOGS IN BEVERLY.

Legislative Records of the Council, xx., 436. Mass. Archives, i., 282.

Mass. Archives, i., 281. House Journal, pp. 274, 275. Province Laws, iii., 756, chap. 8; 817, note.

WHEREAS the Inhabitants of the Town of Beverly, being of Opinion that the Destruction of their Sheep of late years, was occasioned more by Wolves than unruly Dogs, have made Application to this Court that the Operation of the Act pass'd in the last May Session relating to such Dogs might be suspended, therefore

*Voted*

That the respective Assessors of the Town of Beverly for the years 1755 & 1756 be & hereby are required in the making the assessments of s$^{d}$ Years respectively to omit taxing any persons in Consequence of the afores$^{d}$ Act. [*Passed April 23.*

## CHAPTER 345.

VOTE FOR AN ADDIT$^{L}$ BOUNTY TO THE SOLDIERS FOR THE CROWN POINT EXPEDITION.

Legislative Records of the Council, xx., 436. Mass. Archives, lxxiv., 396.

Legislative Records of the Council, xx., 435, 436. House Journal, pp. 280, 281. *Ante*, p. 300, chap. 333;

*Voted* that as a further encouragement to the Non Commission Officers & Soldiers that Inlist to go in the Expedition to Crown point that Six dollars Shall be paid to each able bodied Effective man that Shall provide him self Sufficient firearms (to be inclusive of that already granted by the Government) viz: four dollars at the time of Inlisting & the other two upon their Muster & producing their fire Arms And that their pay commence at the time they have or may Inlist & their Subsistance at the time of their Marching from their Habitations to the place of rendezvous and that no deduction be made out of their Wages for any of the dollars they may receive and that the Commander in Chief be desired forthwith to make the Same publick. [*Passed April 24.*

## CHAPTER 346.

ORDER IN REGARD TO THE DISTRIBUTION OF THE PRINTED BOOK OF TEMPORARY LAWS.

Legislative Records of the Council, xx., 437. Mass.

*Ordered* that the printer employed to Print the Temporary Laws be directed at the Charge of the Government to Deliver One to each Member of the General Court One to Each Town & District

in the Province One to the Clerk of the Superiour Court & One to Each of the Clerks of the Courts in the Several Counties in the province for their Use. [*Passed April 24.*

Archives, xlvii., 405.

House Journal, p. 280.

## CHAPTER 347.

ORDER FOR REPAIRING THE PLATFORMS AT CASTLE WILLIAM.

Legislative Records of the Council, xx., 437. Mass. Archives, lxxiv., 395.

*Ordered* that the Committee for the Repairs of Castle William be directed as Soon as may be to make the Necessary repairs of the Platforms there & if they think fit to repair part of them with Flat-stones. [*Passed April 24.*

Legislative Records of the Council, xx., 437. House Journal, p. 279. Province Laws, xiv., 507, chap. 252.

## CHAPTER 348.

ORDER SETTING OFF DIVERS INHABITANTS AND THEIR ESTATES FROM CHELMSFORD TO DUNSTABLE.

A Petition of Jonathan Tyng, Willard Hall jun$^{r}$ and John Alford Tyng shewing that they are Owners of a Tract of Land in the Town of Chelmsford consisting of Three hundred & thirty Acres, whereon they have erected two Houses, and are about to build a third; which Land is between five & six Miles distant from Chelmsford Meeting House, & but about a Mile & an half & two Miles from Dunstable Meeting House, now building, praying that the said Land, and the Inhabitants thereon may be sett off to the Town of Dunstable;

Legislative Records of the Council, xx., 292, 437. Mass. Archives, cxvi., 751.

Mass. Archives, cxvi., 744–750. House Journal, pp. 83, 252a, 277, 278.

The Committee appointed on the Petition of Jonathan Tyng, Willard Hall jun$^{r}$ and John Alford Tyng, have met, heard the Parties, considered the Pet$^{n}$ and the Answers thereto; and are of the Opinion that the Prayer of the Pet$^{n}$ be granted; and that the Land petitioned for, and the Inhabitants thereon be set off from the Town of Chelmsford & be annex'd to the Town of Dunstable, there to do Duty & receive Priviledge:

All which is humbly submitted,

Per Order, Eleazer Porter.

Read &

*Ordered* that this Report be Accepted, & that the Lands therein mentioned be annexed to the Town of Dunstable accordingly. [*Passed April 24.*

## CHAPTER 349.

ORDER FOR THE TRANSFER OF SUNDRY APPROPRIATIONS.

*Ordered* that there be a Transfer made of Four hundred Pounds from the Appropriation of Forts & Garrisons to the Appropriation for Pay of the Court; and also from the said Appropriation the Sum of Four hundred & fifty Pounds to that of Debts where there

Legislative Records of the Council, xx., 437.

House Journal, p. 278.

Province Laws, iii., 790, chap. 17.

is no Establishment; and also from the same Appropriation to that for Payment of the Soldiers, the Sum of Two hundred & seventy Pounds nine shillings and nine pence, and that the Treasurer conform himself accordingly. [*Passed April 24.*

## CHAPTER 350.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO PREVENT THE SPREAD^G^ OF SMALL POX.

Legislative Records of the Council, xx., 437 *bis.* Mass. Archives, lxxxvii., 324, 325.

House Journal, pp. 278, 281.

In Council

There being one Man sick of the small Pox on board A Vessell arrived from Jamacia now lying in Nantasket Rhode; And it being of great Importance (more especially at this Juncture) that the said Distemper should be prevented from Spreading and whereas it may be necessary for this Court to give some special Orders on this Occasion

*Ordered* that Benjamin Lynde and John Chandler Esq^rs^ with such as the Hon^ble^ House shall join be a Committee to consider what may be proper for this Court to do thereon

In the House of Rep

Read & Concurred & M^r^ Speaker M^r^ Tyng & Col Hale [1] are Joined in the Affair

The Committee on the annexed Order having made Inquiry of the Select men of Boston, & others, Whether some convenient Place could not be obtained for the Reception of the Person sick of the Small Pox; and no such Place being to be had, nor can the sick Man, without great Damage to the Vessel be kept on board; and being also informed that other Vessels are Daily expected from Jamaica, by whom there may be the like Distemper; It is therefore proposed that the Commanding Officer of the Forces lodged at the publick Hospital, be desired forthwith to remove the Men placed there, that so the infected Person, and such other Persons or Goods as are likely to spread the Infection, may be there received, and taken Care of. Per Order of the Com^tee^ BENJ^A^ LYNDE.

Read &

*Ordered* that this Report be Accepted. [*Passed April 24.*

## CHAPTER 351.

ORDER IMPOWERING JOSIAH BARKER, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 438. Mass. Archives, xix., 277.

Mass. Archives, xix., 276. House

A PETITION of Josiah Barker, Guardian of John Dwelle of Scituate a Minor, shewing that his personal Estate, and the Income of the Real, is insufficient for his Maintenance, therefore Praying for Liberty to sell the Real Estate consisting of fourteen Acres & an half of Pasture Land, lying in Scituate.

Read &

[1] Legislative Records of the Council gives "Col^o^ Choat" as a member of this committee in place of Col. Hale, who, according to Mass. Archives and the House Journal, was appointed.

*Ordered* that the prayer of the petition be granted and that the Said Josiah Barker be and hereby is (In his Capacity) Impowered to make Sale of the whole of Said Fourteen Acrees and a half of Pastor Land in this Petition Mentioned for the most the Same will Fetch, and to Execute a Good Deed or Deeds thereof Provided the Petitioner observe the Directions of the Law for the Sale of Real Estates and giveing Sufficient Caution to the Judge of Probate for the County of Plymouth, that the Proceeds ariseing by Said Sale be applied to the payment of the Debts of the Said Minor and that the Remainder be put out on Interest for the Benefit of the Said Minor. [*Passed April 24.*

Journal, pp. 274, 278. Province Laws, ii., 151, chap. 10

## CHAPTER 352.

VOTE IMPOWERING JEREM[H] FINNEY JR., AND DEBORAH HIS WIFE, TO SELL REAL ESTATE.

A Petition of Jeremiah Finney & Deborah his Wife, shewing that they have now an Opportunity of selling to Advantage Thirteen Acres of Upland & Meadow belonging to the said Deborah, and lying in the Town of Duxbury; but the said Deborah being under Age cannot give a Title to said Land, Praying this Court would enable the Pet[rs] to sell the said Land, notwithstanding the said Disability.

Legislative Records of the Council, xx., 438. Mass. Archives, xlvi., 399.

House Journal, pp. 275,276.

[Read and]

*Voted* that the prayer of the petition be granted & that the s[d] Jeremeah Fenny junr & Deborah his wife be & hereby are fully authorised & impowered to make sale of the s[d] thirteen acres of land & execute a deed of the same & that s[d] deed executed as afores[d] shall to all intents & puposes whatsoever be as valid in Law as if the s[d] Deborah had been of the full age of one & twenty. [*Passed April 24.*

## CHAPTER 353.

VOTE IMPOWERING EBENEZER FULLER, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Ebenezer Fuller Guardian of John Eaton of Halifax a Person Non Compos, shewing the Necessity of selling some of his Real Estate for paying Debts contracted before the Pet[r] had Charge of him, and for as much as the dividing the Estate will be a great Injury, therefore praying for Liberty to sell the whole.

Legislative Records of the Council, xx., 438. Mass. Archives, xix., 270.

House Journal, pp. 275, 280. Province Laws, ii., 151, chap. 10.

Read &

*Voted* that the prayer of the petition be granted & that the Petitioner be & hereby is Impowered to Sell the whole of S[d] Eatons Real Estate Mentioned in the petition for the most it will fetch And to make & Execute a good and Sufficient Deed or Deeds in the Law Provided the s[d] Guardian Duly observe the rules of the Province Law Respecting the Sale of Intestate Estates And give sufficient Caution to the Judge of Probate for the County of Plymouth that the proceeds coming by S[d] Sale be Apply'd for the payment of the

Just debts of S$^{d}$ Eaton & the remainder thereof improved to the best Advantage for the Use & benefit of the s$^{d}$ Eaton & his heirs. [*Passed April 24.*

## CHAPTER 354.

VOTE IMPOWERING SAM$^{L}$ & ELIZABETH LAWRENCE, INDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 439. Mass. Archives, xxxii., 608.

A PETITION of Samuel Lawrence and Elizabeth his Wife, setting forth the great Charges they have been put to by Reason of Sickness in their Family; which they are not able to pay without selling some of their Land; and Paying for Liberty to sell Thirty Acres of Land mentioned in the Petition, for that End & for other Uses.

Mass. Archives, xxxii., 607. House Journal, p. 197 (January, 1746); pp. 276, 280. *Ante*, p. 110, chap. 256.

[Read and]

*Voted* that the prayer of the Petition be Granted, So far as that the Petitioners: have Liberty to make Sale of the (33 acres of) Land mentioned in the Petition with the assistance and under the Special Direction of their Guardians: and that the Proceeds, Comeing thereby be also under the Care of the Said Guardians apply$^{d}$ to Defrey the Charge of their Late Sickness and purchase of Lands, mentioned in Said Petition with other Just Debts: and the residue if any there be to be Improued by the Said Indians Guardians for the Bennefit of the Petitioners They the Said Guardians to be accountable. [*Passed April 24.*

## CHAPTER 355.

VOTE FOR ENCOURAGING VOLUNTIERS AGAINST THE S$^{T}$ FRANCOIS INDIANS.

Legislative Records of the Council, xx., 439. Mass. Archives, lxxiv., 400.

THE COMMITTEE appointed to consider & report what may be proper to be done by this Government to encourage Persons to go forth against the Indians of the S$^{t}$ Francois Tribe, as also to consider the Petition of Isaac Waldron: are humbly of opinion that for the Encouragement of such an Enterprize, an allowance be made to a competent Number of Men, not exceeding two Hundred, (including Officers, to be Commissioned by the Captain General,) as follows — namely, to Each, one Blanket, needfull ammunition, & Bread sufficient for fifty Days, — from the beginning of their Marching forth; and that the allowance for every Captive (that shall be taken & brought to Boston) belonging to that Tribe or y$^{e}$ Beckencoves, be Seventy five Pounds; and for every Indian Scalp of those Tribes (or any Other, that in a hostile manner shall oppose them in such their Undertaking) Seventy Pounds; to be paid out of the Publick Treasury, by order from the Governour & Council: That when the said Company shall have been compleated, & the officers duly appointed; the Comisary General shall Deliver the Blankets, ammunition & Bread aforesaid, to the Captain (or his order); such Captain first given[1] Bond to the Province Treasurer (for the Use of the Province), in a Sum (double in value, to the articles so deliver'd) that in case He & his Company shall not forthwith, (or as soon as conveniently may be) bonâ Fide proceed to S$^{t}$ Francois, & use their best Endeavours that the proposed Enterprizé be carried

Mass. Archives, lxxiv., 400. Legislative Records of the Council, xx., 430, 434. House Journal, pp. 269, 270, 271, 273, 274, 283, 284.

[1] *Sic.*

into Execution against the Indian Enemy of that Tribe; and his Endeavours for preventing his Company from diverting from that undertaking whereby the Designs & Expectation of this Government should be frustrated That then & in such case he shall forfeit & pay to the Province Treasurer for the Use of the Province the full value of the several articles mentioned that shall be delivered him (or Order) as aforesaid.

Which is submitted

℔ Order Samuel Danforth

Read & thereupon

*Voted* that an Allowance be made to a Competent Number of Men, including Officers to be commissioned by the Captain General that shall go forth against the Indians of the S$^{t}$ Francois Tribe, as follows, viz$^{t}$ to each, One Blanket, needful Ammunition, thirty Weight of Bread & one Dollar: And that the Allowance for every Captive that shall be taken & brought to Boston, belonging to that Tribe, or the Becancours be Seventy five Pounds; And for every Indian Scalp of those Tribes, or any other that in an hostile Manner shall resist them at or nigh the S$^{t}$ Francois or Becancour Settlement, in such their Undertaking; the Sum of Seventy Pounds to be paid out of the publick Treasury by Order from the Gov$^{r}$ & Council; That when the said Company shall be compleated, and the Officers duly appointed, the Commissary General shall deliver the Blankets, Ammunition, Bread & Dollars aforesaid, to the Captain or his Order, the said Captain first giving Bond to the Province Treasurer for the Use of the Province, in a Sum double in Value to the Articles so delivered, That in Case he and his Company shall not forthwith or as soon as conveniently may be, bonâ Fide, proceed to S$^{t}$ Francois, unless inevitably prevented, & use their best Endeavours that the proposed Enterprize be carried into Execution ag$^{st}$ the Indian Enemy of those Tribes; and his Endeavours for preventing his Company from diverting from that Undertaking, whereby the Desires & Expectations of this Government should be frustrated, that then and in such Case he shall forfiet & pay to the Province Treasurer for the Use of the Province the Value of the several Articles mentioned that shall be delivered him or Order as aforesaid. [*Passed April 25.*

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## CHAPTER 356.

ORDER IMPOWERING ABIAH WHITMAN, GUARDIAN, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Abiah Whitman, Guardian to Sarah Richards of Weymouth a Minor, shewing that the Circumstances of the Real Estate left her by her Father Ephraim Richards are such as render it necessary that it should be sold; therefore Praying for Liberty to sell the same accordingly.

Legislative Records of the Council, xx., 440. Mass. Archives, xix., 275.

Read &

*Ordered* that the prayer of the petition be so far granted as that the Pet$^{r}$ in his Capacity as Guardian to Sarah Richards be & hereby is Impowered to make Sale of the Lands Mentioned in the Pet$^{n}$ he to Observe the directions of the Law for the Sale of real Estates & give sufficient Caution to the Judge of Probates for the County of Suffolk that the proceeds of S$^{d}$ Sale be let out on Interest & that

Mass. Archives, xix., 274. House Journal, pp. 274, 281. Province Laws, ii., 151, chap. 10.

both principal & Interest be paid to her or her Legal representative when she shall Arrive to the Age of twenty one Years Excepting so much as shall be Necessarily Expended on the s[d] Sarah in her Minority & Allowed by the Judge of Probate for s[d] County. [*Passed April 25.*

## CHAPTER 357.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF BRISTOL AND ALLOWING £1. 4. 8 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xx., 442. Mass. Archives, cxx., 35.

House Journal, p. 282. *Ante*, p. 243, chap. 189.

THE COMMITTEE for letting out to farm the Excise upon strong Liquors &c[a] in the County of Bristol, reported that they had let out the same to Capt Joseph Josslyn of Hanover for the Sum of £168 and taken his Bond with Sureties, and lodged it with the Province Treasurer, their Acco[t] of Charge being £1.4.8.

Read &

*Ordered* that the Above Report be Accepted and that there be Allowed & paid out of the Publick Treasury to the S[d] Committee the Sum of One pound 4/8 in full of their Acc[t]. [*Passed April 25.*[1]

## CHAPTER 358.

ORDER ADJOURNING THE INFERIOR COURT OF COMMON PLEAS TO PLYMOUTH COUNTY.

Legislative Records of the Council, xx., 440. Mass. Archives, xliv., 163.

House Journal, pp. 284, 286.

WHEREAS at the time when The Inf[r] Court of Comon pleas was to have been holden at Plymouth within & for the County of Plymouth on the First Tuesday of March Last there was a Severe Storm & Deep Snow so that The Justices of s[d] Court & Parties Concern'd Could not Travil & attend at S[d] Court whereby s[d] Court & all Actions & processes were Discontinued Therefore

*Ordered* That all actions Pleas & Processes which were to have been heard & Tryed at s[d] Court, Be heard & Tryed at the next Inf[r] Court of Comon pleas to be held at Plymouth within & for the County of Plym[o] on the Third Tuesday of May next And The Justices of s[d] Court be, & hereby are Impowered to hear & Determine all s[d] acons and Causes and award Execution as Fully to all Intents & purposes as they might have done If S[d] Actions pleas & processes had Come before them at s[d] Court on s[d] 1[st] Tuesday of March last & y[e] S[d] Court had been Opened to have heard & Tryed y[e] Same And And[2] the Sheriff of y[e] County of Plym[o] is hereby Directed to Cause this order Forthwith to be made publick by posting up the Same in Some publick place in the Same County & to be Inserted in Some one of y[e] Publick news papers Saving That If any Def[ts] in any of y[e] afores[d] Actions is now out of y[e] Province, or Shall not in the apprehension of s[d] Court have had timely notice of this Order s[d] Court shall Continue the Action to their next Term. [*Passed April 26.*[3]

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 26.

[2] *Sic.*

[3] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 25.

## CHAPTER 359.

VOTE DIRECTING THE COMMISSARY GENERAL TO DEMAND ACCOUNTS OF Y^E^ STORES & ARMS OF THE LATE INTENDED CANADA EXPED^N^.

*Voted* that the Commissary General be directed to Send to the respective Officers forthwith to return their several Accounts of Such Arms & other Warlike Stores prepared for the late Intended Canada Expedition. who have received the Same that so they may be improved in his Majesties Service in the present Expedition forming Against his Enemies on this Continent; And in Case Any of s^d^ Arms or Stores Shall Appear to have been Embezzled & Lost by any of the Officers to whom Delivered that then Such officer or officers be respectively held & obliged to pay the Value thereof to the Commissary General. [*Passed April 26.*

Legislative Records of the Council, xx., 441. Mass. Archives, lxxiv., 406.

Legislative Records of the Council, xx., 401. House Journal, p. 286. *Ante*, p. 304, chap. 345.

## CHAPTER 360.

VOTE IMPOWERING W^M^ WELCH, ADM^R^, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of William Welch Administrator of his Mother Elizabeth Welch of Boston her Estate, shewing that he has paid all the Debts, but for want of Personal Estate was obliged to advance of his own the Sum of £75.2.5. And for as much as he was necessarily hindred from attending on the Superiour Court at their last Term for the County of Suffolk, therefore praying this Court would impower him to sell his Mothers Real Estate, which in Value does not exceed that Sum.

Read &

*Voted* that the prayer of the petition be so far granted as that the petitioner be & hereby is Impowered In his Said Capacity to make Sale of the real Estate within mentioned to Such person or persons as will give most for the same & to Execute a Good & sufficient Deed or Deeds in the Law he Observing the rules in the Law for the Sale of Intestate Estates and giving proper Caution to the Judge of Probate for the County of Suffolk to render an Account of the proceeds of Such Sale that the Same may be distributed According to Law. [*Passed April 26.*

Legislative Records of the Council, xx., 442. Mass. Archives, xix., 286.

Mass. Archives, xix., 285, 287. House Journal, pp. 278, 287. Province Laws, ii., 151, chap. 10.

## CHAPTER 361.

VOTE ESTABLISHING THE PAY OF THE OFFICERS OF THE INTENDED EXPEDITION AGAINST CROWN POINT.

*Voted* that the Wages of the Several Officers that shall go in the Intended Expedition to Crown point Shall be as follows Viz.

| | | | | |
|---|---|---|---|---|
| For a Colonal to each Regiment Consisting of five hundred men . | 12. | | 16 | ℔ month |
| For one Lieutenant Colonal to such Regiment . . . . . | 10. | 13. | 4 | Ditto |
| For one Major to Ditto . . . . . | 9. | 1. | 4 | Ditto |
| For One Commissary to Ditto . . . . . | 3. | 4. | 0 | Ditto |
| For a Captain of fifty men Including Officers . . . . . | 4. | 16. | 0 | D^o^ |

Legislative Records of the Council, xx., 443. Mass. Archives, lxxiv., 404.

House Journal, p. 285. *Ante*, p. 300, chap. 334.

| | | | | |
|---|---|---|---|---|
| For one Lieutenant to such Company | 3. | 4. | 0 | D° |
| For one Ensign to D° | 2. | 2. | 8 | D° |
| For one Chaplain to Each regiment | 6. | 8. | 0 | D° |
| For one Adjutant to Each Regiment | 2. | 2. | 8 | D° |
| For one Surgeon to Each Regiment | 10. | 0. | 0 | D° |
| For one Surgeon Mate to D° | 5. | 6. | 8 | D° |
| For three Sergeants to each Company to each | 1. | 14. | 1 | D° |
| For four Corporels to Each Company to Each | 1. | 9. | 10 | D° |
| For one Clerk to Each Company | 1. | 14. | 1. | D° |
| For one Drum Major | 1. | 14. | 1 | D° |
| For one Common Drummer to each Company | 1. | 9. | 10 | D° |
| For one Armorer to Each Regiment | 2. | 0. | 0. | D° |

[*Passed April 26.*

## CHAPTER 362.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF BARNSTABLE AND ALLOWING £2. 15 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xx., 442.

House Journal, p. 286. *Ante*, p. 243, chap. 187.

THE COMMITTEE for letting out to farm the Excise upon strong Liquors &c[a] in the County of Barnstable reported that they had let out the same to Nath[l] Little for the Sum of £200, and taken his Bond with Sureties, & lodged it with the Province Treas[r] their Acco[t] of Charge being Two Pounds fifteen Shillings.

Read &

*Ordered* that the within Report be accepted, and that there be allowed & paid out of the publick Treasury unto said Comm[tee] the Sum of Two Pounds fifteen Shillings in full of their Acco[t]. [*Passed April 26.*

## CHAPTER 363.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON LIQUORS TEA &c[A] FOR THE COUNTY OF MIDDLESEX AND ALLOWING £5. 2. 2 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xx., 442. Mass. Archives, cxx., 40.

Mass. Archives, cxx., 40. House Journal, p. 288. *Ante*, p. 186, chap. 46; p. 245, chap. 194.

THE COMMITTEE for Letting out to farm the Excise upon Strong Liquors &c[a] as also the Excise upon Tea &c[a] [1] for the County of Middlesex, reported that they had let out the Excise on Strong Liquors &c[a] to Elisha Jones of Weston, for the Sum of £761.16.8; and the Excise on Tea &c[a] to William Story of Boston for the Sum of Thirty Pounds, & have taken Bonds for both with Sureties, & lodged them with the Province Treasurer, their Acco[t] of Charge being £5.2.2.

Read &

*Ordered* that the within Account be Accepted and that there be Allowed & paid out of the publick Treasury the Sum of five pounds 2/2 to S[d] Committee in full discharge of the within Account. [*Passed April 28.*[2]

[1] The House Journal, p. 288, does not refer to the tea, coffee, &c.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 26.

# CHAPTER 364.

ORDER ACCEPTING REPORT OF COMMITTEE ON CONDITION OF INHABITANTS ON PROVINCE LANDS WEST OF SHEFFIELD AND STOCKBRIDGE.

Legislative Records of the Council, xx., 443. Mass. Archives, vi., 201.

The Committee appointed to take under Consideration the present Circumstances of the People on the Province Lands Westward of Sheffield, Stockbridge &c[a] have so far attended the Service as to consider the Representation of John M[c]Arthur,

Mass. Archives, vi., 201. House Journal, p. 293. *Ante*, p. 266, chap. 254.

And the Committee thereupon report that a Controversy has long subsisted between divers Settlers of Lands in the County of Hampshire, within the Jurisdiction of this Province, and certain Persons pretending Title as Patroons or Lords of Mannors, to the same Land; That the said Settlers have frequently have frequently [1] in the most violent, outragious Manner been assaulted and set upon, have had their Houses pull'd down and burnt, their Fields of Grain cut up and destroyed, and their Lives threatned by a barbarous Banditti pretending to be employed by the said Patroons as they are termed, and to have Authority of the Government of New York to support them; That on the 14[th] of April certain Persons armed with Swords & Guns broke into divers Houses in those Parts, and carried away the Persons living therein, & committed divers Thefts and other Villanies, and the next Morning broke into the House of one William Race an Inhabitant of this Province, and the said Race attempting to escape their Fury & Rage was shot dead by one of the Villians, and he with the rest thereupon made their Escape & left the dead Body of the said Race to the Care of his Friends.

The Committee further Report that Proposals have been frequently made by the General Court, of this Province to the Government of New York, to bring this Controversy to an Issue; but their Proposals have always been rejected or disregarded; and these most unhappy Consequences must be attributed to that Government.

The Committee are humbly of Opinion, That His Honour the Lieu[t] Govern[r] be desired immediately to issue his Proclamation, promising a Reward of One hundred Pounds to any Person or Persons who shall inform against or discover any one or more of the Persons concerned in the Murther of the said William Race so as that the Offendor or Offenders may be apprehended and brought to Justice; the said Reward to be paid upon the Conviction; And requiring all his Majesty's Officers Civil & Military to be aiding & assisting in apprehending and bringing to Justice the said Murtherers & their Abettors; and that his Honour be likewise desired to write to the Lieuten[t] Governour of New York, urging him to use all possible Means for taking up and securing said Murtherers, and conveying them to the County of Hampshire in Order to take their Trial, in Case they or any of them may have fled to the Government of New York, and to take effectual Means, untill the present Controversy shall be settled, for restraining the Inhabitants of that Government from all Acts of Violence against the Persons & Estates of the Inhabitants in those Parts; as this Government must otherwise be subjected to the Charge of providing Means for the Security and Defence of his Majesty's Subjects against such unwarrantable Invasions, and for the Prevention of War & Blood-Shed between the People of the two Provinces.

Read &

*Ordered* that this Report be Accepted. [*Passed April 28.*

[1] *Sic.*

# CHAPTER 365.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON SELLING PROV$^{CE}$ LAND WEST OF SHEFFIELD AND STOCKBRIDGE AND APPOINTING ANOTHER COMMITTEE TO ATTEND TO THE SALE THEREOF.

Legislative Records of the Council, xx., 444. Mass. Archives, vi., 200.

REPORT on the Petition of William Joyner & others, viz$^{t}$ [Mass. Archives, vi., 186]

Mass. Archives, vi., 186-190, 199. House Journal, pp. 277, 287, 293. *Ante*, p. 266, chap. 254. *Supra*, chap. 364. *Infra*, chap. 367.

The Committee appointed to take under Consideration the Pet$^{n}$ of William Joyner & others respecting the distress'd Circumstances of the People on the Province Land &c$^{a}$ have further attended this Service, and make this further Report.

That it appears to the Committee that the present unhappy State of the People situate Westward of Sheffield & Stockbridge is very much owing to the Caution used by this Government, and its forbearance to make Grants of Land & bringing forward the Settlement of that part of the Province, while at the same time Persons have been encouraged under an imaginary Title from some of the Inhabitants of New York to possess & improve the Country; That great Part of the Persons so possessing & improving are now dissatisfied with the Title, and are desirous of submitting to the Jurisdiction of this Province; and of being quieted in their Possessions: That divers other Persons have likewise taken Possession of and improved the Province Lands in those Parts, without any Grant or Licence from the Government.

The Committee are humbly of Opinion that in Order to prevent any further Encroachments, the Right, Title & Estate of this Province for all the Lands Westward of the Towns of Sheffield and Stockbridge, as far as the Province of New York, & as far Northward as the North Bounds of Stockbridge, be sold by a Committee to be appointed by this Court; which Committee shall be under Oath faithfully to discharge their Trust, and neither directly nor indirectly to be interested in the Purchase, that previous to the said Sale the said Committee quit claim to any or all of the Persons who have made Improvement on said Lands, the Right, Title & Estate of this Province in all such Lands so improved and possessed upon such reasonable Terms as said Comm$^{tee}$ shall think proper: That said Committee proceed on the Business as soon as may be, and make Report of their Doings to this Court some time at the Sessions in May next: All which is humbly submitted.

THO. HUTCHINSON per Order.

In the House of Rep
Read &
*Ordered* that the foregoing Report be Accepted
In Council Read and Concur'd and
*Ordered* that Joseph Dwight Esq$^{r}$ with such as the Hon$^{ble}$ House shall join be a Committee for the Purposes above Mentioned
In the House of Rep
Read & Concurred & Joseph Hawley & John Choate Esq$^{rs}$ are Joined in the Affair. [*Passed April 28.*

## CHAPTER 366.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PET^N OF THO^S STEEL, ESQ^R, FOR A NEW TRIAL.

A Petition of Thomas Steel Esq^r of Leicester shewing that in a Cause between him and one John Burnet at the Superiour Court for the County of Worcester they left their Matters in Difference to Referrees, that the Petitioners Witnesses mistook the Time for hearing thereof; and the Petitioner could not prevail upon the Referrees to continue it for another Hearing; Therefore Praying he may have a new Trial by the s^d Court, and Execution staid in the mean time.

[Read and]

*Ordered* that the Consideration of this Pet^n & Answer be referr'd to the second Wednesday of the next May Session, and that Execution be staid in the mean time. [*Passed April 28.*

Legislative Records of the Council xx., 413, 445.

Mass. Archives, xliv., 131, 133. House Journal, pp. 244, 288, 293.

## CHAPTER 367.

ORDER ALLOWING 30/ TO JOHN McARTHUR.

*Ordered* that there be allowed & paid out of the publick Treasury to John M^cArthur now attending this Court on publick Business, to enable him to defray his Expences the Sum of Twenty Shillings.[1] [*Passed April 28.*

Legislative Records of the Council, xx., 445.

House Journal, pp. 277, 294. *Supra*, chap. 365.

## CHAPTER 368.

ORDER ALLOWING £40. 15. 4 TO MR. JAMES RUSSELL.

An Accompt presented by M^r James Russell of the Charge of several Instruments by him provided for the Stamp Office, amounting to the Sum of £40.15.4.

Read &

*Ordered* that the Sum of Forty Pounds fifteen Shillings & four pence[2] be allowed & paid out of the publick Treasury to M^r James Russell in full Discharge of his Acco^t within mentioned. [*Passed* April 28.*

Legislative Records of the Council, xx., 445.

Mass. Archives, cxxiv., 436. Executive Records of the Council, xii., 406. House Journal, pp. 283, 288.

## CHAPTER 369.

VOTE ESTABLISHING THE WAGES OF OFFICERS FOR THE TRAIN OF ARTILLERY, OF WHICH THIS GOVERNMENT IS TO PAY ITS PROPORTION.

*Voted* Thet this Government will pay their Proportion with the other Governments Engaged In the Intended Expedition to Crown

Legislative Records of the Council, xx.,

[1] The House Journal, p. 294, reads, "*thirty Shillings.*"

[2] The Executive Records of the Council, xii., 406, and the Mass. Archives, cxxiv., 436, give the amount paid £40. 15.

445. Mass. Archives, lxxiv., 409.

point of the Several officers hereafter Named the respective sums Annexed to their Names Viz

House Journal, p. 294. *Ante*, p. 311, chap. 361.

| | | | | |
|---|---|---|---|---|
| 1. Engineer who shall be Capt of ye Artilery . . . | 12. | 16. | 0 | Per month. |
| 1. Lieut of the artillery . . . . . | 5. | 6. | 8 | |
| a Second Engineer . . . . . | 4. | 5. | 4 | |
| 3. Sub Engineer each . . . . . | 2. | 13. | 4 | |
| 16. Gunners each . . . . . | 2. | 0. | 0 | |

[*Passed April 28.*

## CHAPTER 370.

ORDER SETTING OFF STEPHEN PAYNE AND HIS ESTATE FROM THE SOUTH PARISH TO THE NORTH IN MALDEN.

Legislative Records of the Council, xx., 354, 445. Mass. Archives, xiii., 691.

A PETITION of Stephen Payn of Malden, shewing that in the Year 1737. he was contrary to his Inclination sett off to the new Parish there, & has been obliged to pay to the Support of the Ministry there, thô he never associated with them, Praying that he may be set off to the first Precinct in Malden.

House Journal, pp. 174, 228, 278, 291, 292. Province Laws, xii., 439, chap. 189.

The Committee appointed to take under Consideration the Petn of Stephen Payne, together with the Answer of the South Parish in Malden, having attended that Service, and heard the Parties, are of Opinion That the Prayer of the Petition be granted, and that the Petitioner with his Estate be set off from the South Parish and annexed to the North Parish in Malden, there to enjoy Priviledge & to do Duty for the future; he paying all such Sums as may be due from him by Virtue of any Rates or Taxes which may have heretofore been assessed on the Inhabitants of the said South Parish for defraying the Ministerial & other Parish Charges,

All which is humbly submitted, JOHN GREENLEAF

Read and accepted and their upon

*Ordered* the Petitionor Stephen Pain be set off from the South to the North Parish in malden accordingly. [*Passed April 28.*

## CHAPTER 371.

ORDER DIRECTING THE COMMISSARY GENERAL TO DELIVER GUN POWDER TO EASTN INHABITANTS.

Legislative Records of the Council, xx., 446. Mass. Archives, lxxiv., 402.

*Ordered* that the Commissary General be directed to deliver to Col John Storer Two Barrels of Gun Powder & the Like Quantity to Edward Milliken Esqr to be by them Dispossed of to the Inhabitants in the Expossed parts of the Eastern Frontiers provided the Said Storer & Milliken give security to the province Treasurer to pay the Value thereof in twelve months from this time. [*Passed April 28.*

House Journal, p. 289.

## CHAPTER 372.

ORDER ESTABLISHING A QUORUM OF THE COMTEE FOR SELLING PROVINCE LANDS WEST OF SHEFFIELD AND STOCKBRIDGE.

Legislative Records of the Council, xx., 446.

*Ordered* that any two of the Committee chosen this Day to dispose of the Province Land West of Sheffield & Stockbridge be a Quorum. [*Passed April 28.*

House Journal, p. 294. *Ante*, p. 314, chap. 365.

## CHAPTER 373.

ORDER AUTHORIZING SAML HEWS & SON TO EXPORT PROVISIONS TO SURINAM.

A Petition of Samuel Hews & Son of Boston Merchants, shewing that they have on board their Vessel bound to Surinam, a Quantity of Provisions, and for as much as the transporting of Provisions thither, does not cross the true Design of the Government in restraining the Exportation of Provisions; Therefore Praying for Liberty from this Court that their Vessel may sail to Suranam with the said Provisions.

Legislative Records of the Council, xx., 446. Mass. Archives, lxv., 85.

Read and

*Ordered* That the Prayer of the within Petn be granted and that the Petitioners have leave to Export the Provisions within Mentioned to Surrinam they giving bond to the Impost officer to Land them there and to return a Certificate thereof under the hand of the principal Officer of the Customs at said Surrinam. [*Passed April 28.*

Mass. Archives, lxv., 84. House Journal, p. 292. Province Laws, iii., 838, note. *Ante*, p. 274, chap. 273.

## CHAPTER 374.

ORDER ALLOWING £1. 12 TO DAVID SMITH & OTHERS.

Legislative Records of the Council, xx., 446. Mass. Archives, lxxiv., 407.

*Ordered* that there be allowed & paid out of the publick Treasury Unto James Otis Esqr the sum of one pound twelve shillings (1 for a Gun broken at Brunswick Fort by the Fall of a Tree which Gun was the property of David smith & others provided by them for one Elisha Sachem who was sent a Soldier to Sd Fort and that Sd Otis pay Sd Sum to the True owners of sd Gun. [*Passed April 28.*

Mass. Archives, lxxiv., 408. House Journal, p. 291.

## CHAPTER 375.

VOTE ESTABLISHING ALLOWCE FOR ENLISTING SOLDIERS, ALLOWCE TO OFFICERS & SOLDIERS, SUBSISTENCE WHILE TRAVELG, WAGES OF HOSPITAL COMMISSARY, ALLOWCE OF PROVISS, &cA, TO EACH MAN, AND £150 FOR SICK & WOUNDED SOLDIERS.

*Voted* that there be allowed for Inlisting the several Soldiers for the Crown point Expedition one Shillings & Six pence Each to be paid to the Captain, that Shall inlist the Same

Legislative Records of the Council, xx., 446. Mass. Archives, lxxiv., 410.

And that the Officers & Soldiers allowance after their Departure

1 *Sic*, as to parenthesis.

House Journal, p. 294. *Ante*, p. 294, chap. 321; p. 311, chap. 361. *Supra*, chap. 369.

from their respective Habitations to the place of General Rendezvous for their Subsistance be Eight Shillings ℔ Week fifteen miles to be accounted a days Travil and further that there be allowed for a Commissary of the Hospitall Three pounds ℔ month

And that there be given the following Allowance after the Arrival at the place of Gen[l] Rendezvous

| | | |
|---|---|---|
| To Each man | one pound of Bread | ℔ Diem |
| | one pound of Pork | D° |
| | one Gill of Rum | D° |
| | half a pint of Pease or Beans | D° |
| | half a pound of Sugar | ℔ week |
| | 2 ounces Ginger | D° |
| | one pound of flower | D° |
| | one pint Indian Meal | D° |
| | four ounces Butter | D° |
| | 1 pint Molasses | D° |

And that the Sum of One Hundred & fifty pounds be Laid out by the Com[tee] of Warr for things Necessary & Comfortable for the Sick & wounded. [*Passed April 28.*

## CHAPTER 376.

VOTE ALLOWING £2. 15 AND A FURTHER SUM OF £2 TO DANIEL HOW, JUN.

Legislative Records of the Council, xx., 447. Mass. Archives, lxxiv., 390.

A PETITION of Daniel How jun[r] shewing that while he was a Soldier in the Pay of the Province he was captivated by the Indians, praying that he may have some Allowance out of the publick Treasury for his Loss of Time & Sufferings, and for a Gun of his own then taken with him.

Mass. Archives, lxxiv., 390. House Journal, pp. 283, 289.

Read &

*Voted* that there be allowed & paid out of the Publick Treasury Unto the petitioner Dan[l] How Jun[r] the Sum of Two pounds fifteen Shillings on Account of his sufferings & Loss of time while in Captivity and also the further Sum of Two pounds for his Gun taken from him by the Indian enemy when he was Captivated. [*Passed April 28.*

## CHAPTER 377.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, &c, FOR THE COUNTY OF SUFFOLK AND ALLOWING £5. 8. 7 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xx., 447. Mass. Archives, cxx., 40.

THE COMMITTEE appointed to let out to farm the Excise upon Tea, Coffee &c[a] in Suffolk, reported that they had let out the Same to Elisha Jones of Weston for the Sum of £300, and had taken his Bond with Sureties, & lodged the same with the Province Treas[r] Their Acco[t] of Charge being £5.8.7.

Mass. Archives, cxx., 40. House Journal, p. 289. *Ante*, p. 186, chap. 44.

Read &

*Ordered* that the within report be accepted & that there be allowed & paid out of the publick Treasury the Sum of five pounds 8/7 to S[d] Committee in full discharge of their Account for farming the Same. [*Passed April 28.*

## CHAPTER 378.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF ESSEX AND ALLOWING £2.7.6 FOR THE EXPENSE THEREOF.

The Committee appointed to let out to farm the Excise upon Rum distilled Spirits &c[a] in the County of Essex reported that they had let out the same unto M[r] William Coffin, for the Sum of £1,214.13.4 and had taken his Bond with Sureties & lodged it with the Province Treasurer, their Acco[t] of Expence being £2.7.6.

Read &

*Ordered* that the within report be Accepted And that there be Allowed & paid out of the publick Treasury the sum of Two pounds 7/6 to S[d] Committee in full discharge of their Account. [*Passed April 28.*

Legislative Records of the Council, xx., 447. Mass. Archives, cxx., 37.

Mass. Archives, cxx., 36. House Journal, p. 288. *Ante*, p. 242, chap. 184.

## CHAPTER 379.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF YORK AND ALLOWING £3.9.8 FOR THE EXPENSE THEREOF.

The Committee appointed to let out to farm the Excise upon Rum, distilled Spirits &c[a] in the County of York, reported that they had let out the same to Cp[t] Ichabod Goodwin of Berwick for £249 and had taken his Bond with Sureties & lodged it with the Province Treasurer, their Acco[t] of Charge being £3.9.8.

Read &

*Ordered* that the foregoing report be accepted & that there be allowed & paid out of the publick Treasury the Sum of Three pounds 9/8 to S[d] Com[tee] In full discharge of their Account. [*Passed April 28.*

Legislative Records of the Council, xx., 447. Mass. Archives, cxx., 38.

House Journal, p. 288. *Ante*, p. 243, chap. 188.

# RESOLVES, ORDERS, VOTES, ETC.

## PASSED 1755–56.

# LEGISLATIVE LIST[1]

FOR

# 1755–56.

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His Excellency WILLIAM SHIRLEY [*until June 26, 1755*],
Captain-General and Governor-in-chief.

SPENCER PHIPS, Lieutenant Governor [*Acting Governor from June 26, 1755, until January 30, 1756*].

His Excellency WILLIAM SHIRLEY [*from January 30, 1756*].

JOSIAH WILLARD, Esq.,
SECRETARY OF THE PROVINCE.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusetts Bay;*

| | | | |
|---|---|---|---|
| John Osborne | | John Chandler | |
| Francis Foxcroft | | Ezekiel Chever | |
| Josiah Willard | | Andrew Oliver | |
| Jacob Wendell | | Joseph Pynchon | |
| Benjamin Lynde | Esqrs. | Thomas Hutchinson | Esqrs. |
| Daniel Russell | | Stephen Sewall | |
| Samuel Danforth | | Isaac Royal | |
| John Greenleaf | | Eleazer Porter | |
| Samuel Watts | | John Erving | |

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

| | | | |
|---|---|---|---|
| John Cushing | Esqrs. | Sylvanus Bourn | Esqrs. |
| George Leonard | | John Otis | |

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Province of Main;*

Sir William Pepperell, Baronet, John Hill & Richard Cutt, Esqrs.

[1] See Legislative Records of the Council, xx., 449–452.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the Rivers of Sagadahock & Nova Scotia;*

WILLIAM BRATTLE, ESQ.

*For the Province, at large:* —

JAMES MINOT & BENJAMIN LINCOLN, ESQRS.

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## REPRESENTATIVES OR DEPUTIES.

*May 28, 1755 to April 21, 1756.*

MR. THOMAS HUBBARD, SPEAKER.

### COUNTY OF SUFFOLK.

| | |
|---|---|
| *Boston*, | Thomas Hubbard, Esq., Mr. John Tyng, James Bowdoin, Esq., Mr. William Cooper. |
| *Roxbury*, | Mr. Samuel Heath. |
| *Dorchester*, | Estes Hatch, Esq. |
| *Milton*, | Samuel Miller, Esq. |
| *Braintree*, | John Quincy, Esq. |
| *Weymouth*, | Mr. James Humphrey. |
| *Hingham*, | Mr. Jacob Cushing. |
| *Medfield*, | Mr. Ephraim Cheney. |
| *Stoughton*, | Mr. Richard Bailey. |
| *Needham*, | Mr. William Bowdoin. |
| *Brooklyne*, | Jeremiah Gridley, Esq. |

### COUNTY OF ESSEX.

| | |
|---|---|
| *Salem & Danvers*, | Henry Gibbs, Esq., Daniel Epes, Jr., Esq. |
| *Ipswich*, | Mr. Daniel Stanniford. |
| *Newbury*, | Mr. Thomas Barnard. |
| *Marblehead*, | Robert Hooper, Esq. |
| *Lyn*, | Capt. Benjamin Newhal. |
| *Andover*, | Mr. Joshua Fry. |
| *Beverly*, | Capt. John Leach. |
| *Rowley*, | Mr. Thomas Lancaster. |
| *Salisbury*, | Mr. Abraham Morrill. |
| *Haverhill*, | Mr. David Marsh. |
| *Glocester*, | Mr. William Parsons. |
| *Bedford*,[1] | Capt. Benjamin Millekin. |
| *Boxford*, | Mr. Jonathan Foster. |
| *Amesbury*, | Mr. Isaac Morrill. |

### COUNTY OF MIDDLESEX.

| | |
|---|---|
| *Cambridge*, | William Brattle,[2] Esq., Edmund Trowbridge, Esq. |
| *Charlestown*, | Mr. James Russell. |
| *Watertown*, | Mr. John Hunt. |
| *Reading*, | Mr. John Temple. |
| *Concord & Carlisle*, | Mr. Simon Hunt. |
| *Newton*, | Thomas Greenwood, Esq. |
| *Groton, Shirley & Pepperell*, | William Lawrence, Esq. |
| *Sudbury*, | Capt. John Noyes. |
| *Marlborough*, | Mr. Samuel Witt. |
| *Billerica*, | Capt. Enoch Kidder. |
| *Framingham*, | Joseph Buckminster, Esq. |
| *Malden*, | Mr. Benjamin Hills. |
| *Weston*, | Mr. Abraham Biggelow. |
| *Medford*, | Mr. Stephen Hall. |
| *Littleton*, | Nathaniel Russell, Esq. |
| *Waltham*, | Samuel Livermore, Esq. |
| *Lincoln*, | Chambers Russell, Esq. |
| *Lexington*, | Benjamin Read, Esq. |

### COUNTY OF HAMPSHIRE.

| | |
|---|---|
| *Springfield*, | Josiah Dwight, Esq. |
| *North Hampton & South-hampton*, | Joseph Hawley, Esq. |
| *Hadley & New Hadley*, | Capt. Moses Marsh. |

[1] The House Journal, p. 4, and the State Library copy, Legislative Records of the Council, xx., 451, reads, "Bradford."

[2] Henry Vassall appointed Representative from Cambridge, August 7, 1755, in place of William Brattle now of his Majesty's Council. — House Journal, p. 121, 1755–56.

County of Hampshire — *Concluded.*

*Hatfield*, . . . Israel Williams, Esq.
*Sheffield*, . . . Mr. Daniel Kellog.
*Westfield*, . . . Mr. Eldad Taylor.
*Deerfield & Greenfield*, } Elijah Williams, Esq.

County of Worcester.

*Worcester*, . . Timothy Payne, Esq.
*Lancaster*, . . Mr. David Wilder.
*Leicester & Spencer*, } Thomas Steel, Esq.
*Brookfield*, . . Mr. Jabez Upham.
*Lunenburgh*, . . Mr. John Haywood.
*Oxford & Charlton*, } Duncan Campbell, Esq.
*Mendon*, . . . Capt. Phineas Lovett.
*Rutland & Rutland District*, } John Murray, Esq.
*Sutton*, . . . Mr. Daniel Greenwood.
*Westborough*, . . Mr. Francis Whipple.
*Shrewsbury*, . . Mr. Daniel Haywood.[1]
*Bolton*, . . . . John Whetcomb, Esq.
*Sturbridge*, . . Moses Mercy,[2] Esq.
*Hardwich*,[3] . . Timothy Ruggles, Esq.

County of Plymouth.

*Plymouth*, . . . Thomas Foster, Esq.
*Scituate*, . . . Thomas Clap, Esq.
*Marshfield*, . . John Little, Esq.
*Bridgwater*, . . Daniel Howard, Esq.
*Middleborough*, . Mr. Ebenezer Sprout.

County of Plymouth — *Concluded.*

*Rochester*, . . . Mr. Elisha Clap.[4]
*Plympton*, . . . Mr. Isaac Bonney.
*Pembroke*, . . . Mr. Israel Turner.
*Kingston*, . . . Mr. John Brewster.

County of Barnstable.

*Barnstable*, . . James Otis, Esq.
*Sandwich*, . . Roland Cotton, Esq.
*Eastham*, . . John Freeman, Esq.
*Harwich*, . . Nathaniel Stone, Esq.

County of Bristol.

*Taunton*, . . Mr. Jonathan Barney.
*Rehoboth*, . . Capt. Aaron Kingsley.
*Swanzey*, . . Mr. John Anthony.
*Dartmouth*, . . Capt. Nathaniel Sole.
*Norton*, . . . Mr. Thomas Moorey.
*Attleborough*, . Mr. Benjamin Day.
*Easton*, . . . Mr. Daniel Williams.

County of York.

*York*, . . . . Mr. John Bradbury.
*Kittery*, . . . Nathaniel Sparhawk, Esq.
*Wells*, . . . . Mr. John Wynn.
*Berwick*, . . . Mr. William Gerrish.
*Falmouth*, . . Charles Frost, Esq.
*Biddeford*, . . Mr. Samuel Hill.
*Arundel*, . . . Mr. Thomas Perkins.
*Scarborough*, . Edward Millekin, Esq.

In the County of Nantucket.

*Sherburne*, . . Abishai Folger, Esq.

[1] Ward's History of Shrewsbury, p. 68, also the House Journal, p. 4, read, "Phineas Heywood."
[2] The House Journal, p. 4, reads, "Moses Marcy, Esq."
[3] The House Journal, p. 4, and the State Library copy, Legislative Records of the Council, p. 451, read, "Hardwick."
[4] History of Plymouth County, p. 337, reads, "Elisha Barrows."

# RESOLVES, ORDERS, VOTES, ETC.

## Passed at the Session begun and held at Boston, on the Twenty-eighth Day of May, A.D. 1755.

## CHAPTER 1.

ORDER DIRECTING AN INDEX TO BE MADE OF Y^E^ TEMPO^Y^ LAWS.

*Ordered* That the Com̄^tee^ appointed by the General Court the 9^th^ Ap^l^ 1754, to take care of the re-Printing the Temporary Laws, be directed to prepare a Correct Table for the same as soon as may be. [*Passed May 30.*

Legislative Records of the Council, xx., 455. Mass. Archives, xlvii., 406.

Legislative Records of the Council, xx., 208. House Journal, p. 228 (April, 1754); p. 9.

## CHAPTER 2.

ORDER ACCEPTING THE ACCO^T^ OF Y^E^ TRUSTEES OF HASSANIMISCO INDIANS.

An Accompt presented by the Trustees of the Hassanimisco Indians of Receipts and Disbursements for said Indians in the Year past, Ballance thereof in the said Trustees Hands, being 10/11¾.

Read & Accepted &

*Ordered*, That the said Trustees be accountable for the Ballance of the Acc^o^ being ten shillings and eleven pence three farthings. [*Passed May 30.*

Legislative Records of the Council, xx., 455. Mass. Archives, xxxii., 612.

Mass. Archives, xxxii., 611. House Journal, p. 9. Province Laws, xiii., 326, chap. 227.

## CHAPTER 3.

ORDER GRANTING TO JOHN LAMBERT LICENCE TO KEEP AN INN.

A Petition of John Lambert of Taunton in the County of Bristol, Keeper of his Majesty's Goal there, praying that the Court of General Sessions of the Peace for said County may be impowered to grant him a Licence to sell Strong Drink.

Read &

*Ordered*, That the Prayer of the Petition be so far granted as that the Justices of the General Sessions of the Peace for the County of Bristoll be and hereby are impowered (at their next Term) to grant the Petitioner a License, if they see fitt, to keep an house of Public Entertainm^t^ in the Town of Taunton, he first Obtaining the Approbation of the Select men of said Taunton the time for granting Licenses being elapsed Notwithstanding. [*Passed May 30.*

Legislative Records of the Council, xx., 455. Mass. Archives, xliv., 168.

Mass. Archives, xliv., 167. House Journal, p. 8.

## CHAPTER 4.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE EXPEDITION TO NIAGARA.

Legislative Records of the Council, xx., 456. Mass. Archives, lxxiv., 431.

Legislative Records of the Council, xx., 452, 455, 456. House Journal, pp. 11, 12, 13, 14. *Ante*, p. 294, chap. 321.

THE COMMITTEE appointed to take under Consideration that Part of His Excellency's Speech of Yesterday, which relates to the several Expeditions now carrying on against the Encroachments of the French, report as their humble Opinion, that the Removal of the Encroachments made by the French at Niagara, [is a matter of very great importance to his Majestys [interest][1] & must undoubtedly engage a very considerable Proportion of the French Force to prevent it: That this Diversion of the French Force will cause that a less Number of Men may be sufficient for the Crown Point Expedition than would otherwise be necessary: The Committee are therefore of Opinion that as many of the Forces raised for the Crown Point Expedition as His Excellency shall apprehend necessary may be employed in the proposed Service at Niagara, during the Term they inlisted, Provided that His Excellency will cause said Forces to be transported & victualled without any Expence to the Province, Provided also that the other Governments concernened[2] in the Expedition shall make no Exception to this Measure, and that the said Forces voluntarily engage in said Service, and that not less than 3,700 Men, exclusive of the Indians be employed in the Service against Crown Point.

J. OSBORNE *p* Order,

Read and
*Ordered* that this Report be Accepted. [*Passed May 31.*

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## CHAPTER 5.

Mass. Archives, lxxiv., 438.

RESOLVE THAT NO ESTABLISHMENT BE MADE FOR A SURGEON GENERAL FOR THE EXPEDITION AGAINST CROWN POINT.

House Journal, p. 285 (April, 1755); p. 14. *Ante*, p. 311, chap. 361.

*Resolved*, That no Establishment be made for a Surgeon General, or pay allowed to any such Officer in the intended Expedition against Crown Point. [*Passed June 2.*

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## CHAPTER 6.

Legislative Records of the Council, xx., 458. Mass. Archives, lxxiv., 442.

ORDER DIRECTING THE PREPARATION OF STORES FOR THE FIELD OFFICERS, &c^A, OF THE EXPEDITION AGAINST CROWN POINT.

Legislative Records of the Council, xx., 275, 457. House Journal, p. 19. *Ante*, p. 296, chap. 325.

*Ordered*, That the Committee of War be directed to provide such Stores as they shall judge Convenient for the use of the Field Officers, Chaplains and Surgeons engaged in the intended Expedition to Crown point, in the same proportion as was allowed to the said Officers &c, in the late Expedition up Kennebeck River. [*Passed June 3.*

[1] Inserted from Mass. Archives, lxxiv., 431.
[2] *Sic.*

## CHAPTER 7.

ORDER ALLOWING ADVANCE PAY FOR ONE MONTH TO THE OFFICERS OF THE EXPEDITION AGAINST CROWN POINT.

Legislative Records of the Council, xx., 458. Mass. Archives, lxxiv., 441.

*Ordered*, That each of the officers engaged in the intended Expedition to Crown point, shall be entituled to receive one month's pay before they march. [*Passed June 3.*

House Journal, pp. 14, 18, 19. *Ante*, p. 311, chap. 361.

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## CHAPTER 8.

Legislative Records of the Council, xx., 458. Mass. Archives, lxxiv., 439.

VOTE THAT THERE SHALL BE NO AUGMENTATION OF THE FORCES FOR THE CROWN POINT EXPEDITION.

Legislative Records of the Council, xx., 458 *bis*. House Journal, p. 18. *Ante*, p. 328, chap. 4.

*Voted*, That there shall be no Augmentation of the Provincial Forces raised for the intended Expedition to Crown-Point. [*Passed June 3.*

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## CHAPTER 9.

Legislative Records of the Council, xx., 458.

ORDER FOR FRESH PROVISIONS FOR THE FORCES RAISED FOR THE EXPEDITION AGAINST CROWN POINT.

Mass. Archives, lxxiv., 440. House Journal, p. 19. *Ante*, p. 294, chap. 321; p. 296, chap. 325.

*Ordered* that the Committee of War be directed to provide a suitable Quantity of fresh Provisions for the Forces raised for the intended Expedition to Crown Point. [*Passed June 3.*

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## CHAPTER 10.

ORDER IMPOWERING ARCHIBD GREENFIELD TO BRING FORWARD A WRIT OF REVIEW.

Legislative Records of the Council, xx., 460. Mass. Archives, xliv., 129.

On the Petition of Archibald Greenfield, [*ante*, p. 302, chap. 340]

Read to gether with the Answer of William Mayberry and Thereupon

Mass. Archives, xliv., 126. House Journal, p. 24. *Ante*, p. 302, chap. 340.

*Ordered* that the Prayer of the Petition be so far granted as that the Judgment mentioned in the Petn be and hereby is set aside and that the Petr be allowed & impowered to bring forward his Writ of Review of the Action within mentioned at the Next Inferiour Court of Common Pleas to be held at York within and for the County of York on the second Tuesday of July next and the Justices of the said Court are hereby impowered and directed to hear and try the same enter up Judgment & award Execution thereon the former Judgment notwithstanding Provided the petr give sufficient Security to the Sheriff of the County of Essex to pay what may be finally adjudged due with Interest from this day. [*Passed June 4.*

## CHAPTER 11.

ORDER SETTING OFF MATHEW BRIDGE AND HIS ESTATE FROM CAMBRIDGE TO WALTHAM.

Legislative Records of the Council, xx., 427. Mass. Archives, cv., 496.

A PETITION of Mathew Bridge, of Cambridge, shewing that he is very inconveniently situated for attending the publick Worship of God in either of the Meeting Houses there, and much more commodiously situated for the Meeting House in Waltham, praying that he and his Estate may be set off to the Town of Waltham.

Mass. Archives, cv., 495. Legislative Records of the Council, xx., 460. House Journal, p. 25.

Read together with the Answer of N° West precinct in Cambridge & the other Papers and

*Ordered* that the Prayer of this Petition be granted and that the Petitioner with his Estate be set off from the Town of Cambridge and annexed to the Town of Waltham there to do Duty and enjoy Prviledge accordingly. [*Passed June 4.*

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## CHAPTER 12.

ORDER ALLOWING £13. 6. 8 AND A FURTHER AMOUNT OF £3 ANNUALLY TO JOSEPH BANE.

Legislative Records of the Council, xx., 461. Mass. Archives, lxxiv., 399.

A MEMORIAL of Joseph Bane Interpreter of the Endian Language, at the Truck House on S$^{t}$ Georges River, shewing that there is a Difficulty with the Treas$^{r}$ as to what is due to the Pet$^{r}$ as a Pension allowed him by this Government on the Account of a Maim gotten by him, while in the publick Service, Praying that the Treasurer may be ordered to pay him what is due.

Mass. Archives, lxxiv., 398. House Journal, p. 30. Province Laws, xiv., 567, chap. 75.

Read &

*Ordered*, That This Memorial be revived, And that there be allowed and paid out of the Publick Treasury the Sum̄ of thirteen Pounds six Shillings and eight pence to the Memorialist in full Satisfaction of his Misfortune Occasioned by his being Maimed in the Service of the Province as Mentioned in the memorial to the Time he last received any Moneys out of the Treasury on that Account, and that for the future during his Natural life he be annually paid out of the Province Treasury the sum of three Pounds on the Consideration aforesaid. [*Passed June 5.*

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## CHAPTER 13.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF NANTUCKET AND ALLOWING 16/ FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xx., 461. Mass. Archives, cxx., 55a.

THE COMMITTEE appointed to let out to farm the Excise on Spirituous Liquors in the Island of Nantucket, reported that they had let out the same to Thomas Arthur for £28 and had taken his Bond with Sureties & lodged it with the Treas$^{r}$ Praying Allowance for their Charge being 16/.

Mass. Archives, cxx., 55a. House

Read &

*Ordered* That this report be Accepted; and that the sum of Sixteen shillings be allowed & paid out of the Public Treasury to the said Committee for that Service, and in Discharge of their Acco[t] of Time & Expences. [*Passed June 5.*

Journal, pp. 25, 26. *Ante*, p. 244, chap. 190.

## CHAPTER 14.

ORDER IMPOWERING JABEZ FOX, BENJAMIN KINGSLEY AND THOMAS PECK OR ANY TWO OF THEM TO EXECUTE DEED OR DEEDS OF LAND BELONGING TO THE SWANZEY CHURCH.

A Petition of Aaron Kingsley for the Agents of the Church of Swanzey, shewing that the Order of both Houses passed on the said Agents Pet[n] in April last, was not signed by the Lieu[t] Governour, Praying it may be revived.

Legislative Records of the Council, xx., 461.

Read &

*Ordered* that the Petition referred to in this Memorial be revived, and that the Prayer thereof be so far granted, as that Mess[rs] Jabez Fox,[1] Benjamin Kingsley & Thomas Peck or any two of them, be and hereby are enabled to make and execute a good & sufficient Deed or Deeds of all or any of the Lands mentioned in the Petition, belonging to the said Church of Swanzey, they attending the Order of this Court made relating to the Sale of those Lands, upon the 28[th] of October 1743, in all particulars, saving what relates to the Advice of Nathaniel Hubbard Esq[r] & M[r] Daniel Barney. [*Passed June 5.*

Legislative Records of the Council, xx., 445. House Journal, pp. 274, 275, 292 (April, 1754); p. 28. Province Laws, xiii., 294, chap. 140.

## CHAPTER 15.

ORDER ALLOWING THE ACCO[T] OF THE TREAS[R] OF ESSEX COUNTY.

An Accompt presented by Daniel Appleton Esq[r] Treasurer of the County of Essex for the last Year, having been by him laid before the Court of General Sessions of the Peace for said County & by them allowed.

Legislative Records of the Council, xx., 462. Mass. Archives, ccxlviii., 160.

Read and

*Ordered* That this accompt be allowed and That the Ballance thereof being Two hundred Eighty Nine Pounds, thirteen shillings and three pence one farthing, the said Treasurer be further Accountable to the said County for. [*Passed June 6.*[2]

Mass. Archives, ccxlviii., 160. House Journal, pp. 13, 31, 32.

## CHAPTER 16.

ORDER ADJOURNING THE COURTS OF BRISTOL AND ESSEX COUNTIES.

Whereas divers of the Justices of the Superior Court of Judicature, Court of Assize and General Goal Delivery which by Law are to be holden at Ipswich in the County of Essex on the second Tuesday of June Current; And whereas some of the Justices of the Court

Legislative Records of the Council, xx., 463. Mass. Archives, xlvii., 408.

[1] The House Journal, p. 28, reads, "*Jabez Wood.*"

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 5.

House Journal, p. 35.

of General Sessions of the Peace and inferior Court of Comon Pleas which by Law are to be holden at Taunton in the County of Bristol on the second Tuesday of June Current, and divers other persons who are concerned in Business there, are members of this Court; And the very important affairs of this Province now depending require their attendance: Wherefore

*Ordered* that the Courts aforementioned that were to be held at the Time aforesaid be adjourned to the first Tuesday of July next at Ten o'Clock in the forenoon at the respective Court Houses in Ipswich and Taunton: And all Pleas Writts Plaints Processes Precepts recognizances and other Thing & things whatsoever returnable, or having day or days in the said Courts respectively shall stand abide & Continue unto the said adjournment, and be held deemed and Adjudged to be as good effectual and available in Law to all Intents Constructions & Purposes as if such Courts had been held and kept on the day by Law for holding the same and no adjournment thereof had been made. [*Passed June 6.*

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## CHAPTER 17.

### ORDER IMPOWERING JOB AHAUTON, INDIAN, TO SELL LAND.

Legislative Records of the Council, xx., 463. Mass. Archives, xxxii., 623.

A PETITION of Job Ahauton of Middleborô, Indian, Praying for Liberty to sell his Land in Tetticut, (he having other Lands sufficient for his Improvem[t]) the Produce thereof to be employed for the payment of his just Debts, Support of his Aged Grand Mother & Family, & his own comfortable Subsistence.

Mass. Archives, xxxii., 622. House Journal, pp. 26, 30. Province Laws, xiv., 718, chap. 221.

Read and

*Ordered*, That the Petitioner be and hereby is allowed and impowered with the Advice and Assistance of the Trustees for the Indians of Teticut to make Sale of his Lands at Teticut mentioned in the Pet[n] And that the produce thereof be applied by the said Trustees for the uses within Mentioned. [*Passed June 6.*

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## CHAPTER 18.

### ORDER IMPOWERING SARAH FOX, ADM[X], TO EXECUTE A DEED.

Legislative Records of the Council, xx., 464. Mass. Archives, cv., 517.

A PETITION of Henry Ewers of Concord, shewing that in Consideration of John Fox of Littleton being bound for the Petitioners Paying sundry Sums of Money, the Pet[r] by Deed absolutely conveyed his House & Land to the said Fox, upon Verbal Agreement between them, that upon the Petitioners discharging the said Sums the said Estate should be reconveyed to him, that the said Fox went abroad & returning home Sick, died of that Sickness before the said Estate was re-conveyed, althô the Pet[r] had discharged all those Sums excepting a very small Part, which he is now ready to pay, therefore Praying that the Widow & Administ[x] of said Fox may be impowered to re-convey said Estate.

Mass. Archives, cv., 516. House Journal, pp. 24, 30.

Read and

*Ordered*, That the Prayer of this Pet[n] be so far granted as that the said Sarah Fox therein mentioned be and hereby is impowered

in her said Capacity of Admin$^{x}$ on the Estate of the said Fox to execute a Deed of release of the buildings and Lands in the Deed referred to in the said Pet$^{n}$ to the said Henry Ewers so as that the same may remain to him his Heirs and Assigns as firm as it did before the making of the said Deed to the said John Fox, and that the same be looked upon as firm and Valid as if it had been executed by the said John Fox in his life Time. [*Passed June 6.*

## CHAPTER 19.

ORDER CONFIRMING AND ESTABLISHING THE RATES OF THE ASSESSORS OF HARWICH SOUTH PRECINCT.

A Petition of the South Precinct in Harwich, shewing that one of their Assessors the last Year by Mistake, neglected to be sworn to his Office, and thus unqualified he assisted in making the Rates in September 1754, Praying that said Assessment may be valid, notwithstanding said Omission.

Legislative Records of the Council, xx., 464. Mass. Archives, cv., 521.

Read and

*Ordered* That the Prayer of this Petition be granted And that the said Rates are hereby confirmed & Established, and shall be held good in Law to all Intents & purposes as fully as if the said Benjamin Nickerson had been under Oath when he made the same. [*Passed June 6.*

Mass. Archives, cv., 520–524. House Journal, pp. 28, 34, 35.

## CHAPTER 20.

VOTE AND ORDER ALLOWING £24. 18. 8 TO D$^{R}$ NELSON FINNEY OUT OF THE PUNCAPAUG INDIANS STOCK.

*Voted*, That it appears to this Court y$^{t}$ the Within named samuel miller Esqr has Paid only four Pounds of the Within mentioned sum to the Within Named Nelson Finney [*ante*, p. 241, chap. 182] and as there are now Other Gaurdians appointed over the s$^{d}$ Indians It is therefore

Legislative Records of the Council, xx., 464. Mass. Archives, xxxii., 631.

*Ordered* that s$^{d}$ miller forthwith account with the same. Gaurdians and the Present Gaurdians are Directed to Pay the s$^{d}$ Nelson the sum of Twenty four Pounds Eighteen shillings and Eight Pence Being the Ballance now due to him agreeable to the Within order.[1] [*Passed June 6.*

Mass. Archives, xxxii., 630. House Journal, p. 35. *Ante*, p. 241, chap. 182.

## CHAPTER 21.

ORDER ALLOWING £2. 10 TO JOSHUA FROST.

A Petition of Joshua Frost late a Soldier in the Expedition on Kennebeck River, under Major General Winslow, praying that he may be allowed the Charges of his Sickness contracted while he was in the said Service.

Legislative Records of the Council, xx., 465. Mass. Archives, lxxiv., 421.

[1] "The foregoing Vote was written on an attested copy of an order of this court that Samuel Miller Esq$^{r}$ as Guardian of the Puncapaug Indians should pay unto Nelson Finney Twenty eight Pounds eighteen Shillings & 8 pence." — Mass. Archives, xxxii., 630.

Mass. Archives, lxxiv., 422. House Journal, pp. 24, 30. *Ante*, p. 258, chap. 228.

Read and

*Ordered*, That the Prayer of this Petition be granted, and that there be allowed and paid out of the Public Treasury to the Petitioner the Sum of two pounds ten shillings to enable him to discharge the Accompts therewith exhibited. [*Passed June 6.*

## CHAPTER 22.

ORDER ALLOWING £2. 6. 6 TO MARY THOMPSON.

Legislative Records of the Council, xx., 465. Mass. Archives, lxxiv., 380.

Mass. Archives, lxxiv., 380. House Journal, pp. 25, 31.

A PETITION of Mary Thompson of Nottingham, Widow of Joseph Thompson, shewing that her said Husband was taken sick in the publick Service, & came home & died of said Sickness, Praying that the Charge of Doctors may be paid out of the publick Treasury:

Read and

*Ordered* That this Petition be revived; and That the prayer of the Pet$^{n}$ be granted, and that the Pet$^{r}$ be allowed and paid out of the Public Treasury the Sum of Two pounds six Shillings and six pence to enable her to discharge the account herewith exhibited. [*Passed June 6.*

## CHAPTER 23.

ORDER IMPOWERING GUARDIANS TO SURVEY AND SET OFF TO JEFFRY AND MARY HENRY, INDIANS, THEIR RIGHTS IN COMMON LANDS WITH POWER TO SAID INDIANS TO SELL THE SAME.

Legislative Records of the Council, xx., 465. Mass. Archives, xxxii., 619.

Mass. Archives, xxxii., 618. House Journal, pp. 26, 37. *Ante*, p. 110, chap. 256.

A PETITION of Jeffry Henry & Mary[1] Henry his Wife, of Providence in Rhode Island Colony Indians, shewing that they have several Rights of Land in Natick within this Province, that they are now grown old & unable to support themselves by Labour, praying that they may be impowered to sell so much of said Land as their Guardians and Trustees shall judge needful.

Read and

*Ordered*, That the Prayer of this Pet$^{n}$ be so far granted as that the Guardians of the Natick Indians, be and hereby are directed and impowered to Survey and sett off to the Pet$^{rs}$ all such rights of Common Lands as they shall find to belong to the Pet$^{rs}$ either in Natick or in any other part of the Province;

And that the Pet$^{rs}$ be allowed and hereby are impowered (with the consent of the said Guardians) to make sale of so much of the same as they shall judge necessary for the support of the Pet$^{rs}$ who are now so old as to be past their labour Seasonable public Notice being first given of the Time and place of Sale, the proceeds of said Sale to be put into the said Guardians hands, and they to be accountable to this Court for their proceedings herein. [*Passed June 7.*

[1] The House Journal, p. 26, reads, "*Mercy.*"

## CHAPTER 24.

ORDER IMPOWERING JOSEPH EPHRAIM, INDIAN, TO SELL LAND.

A Petition of Joseph Ephraim of Natick Indian, shewing that being greatly advanc'd in Years and unable to Labour, he has been necessitated to contract considerable Debts, especially on his Childrens Acco$^{t}$ praying for Liberty to sell some of his unimproved Lands for the Payment of said Debts, & for his future Support.

Legislative Records of the Council, xx., 465. Mass. Archives, xxxii., 615.

Read and

*Ordered*, That the Prayer of this Pet$^{n}$ be so far granted as that the Pet$^{r}$ (with the advice and Consent of the Guardians of the Natick Indians) be and hereby is allowed and impowered to make Sale of so much of his said unimproved Lands as will enable him to discharge the just Debts of his said deceased Children, as also to raise such further Sums of Money as the said Guardians shall judge sufficient for the Support of the Pet$^{r}$ in his very advanced Age Seasonable public Notice of the Time and place of Sale being first given: The produce of the said Sale to be applied in the first place to the discharge of his said dec$^{d}$ Children's debts, and the remainder to the more comfortable Support of the Pet$^{r}$ for the future. [*Passed June 7.*

Mass. Archives, xxxii., 614. House Journal, pp. 27, 36. *Ante*, p. 110, chap. 256.

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## CHAPTER 25.

ORDER IMPOWERING CÆSAR FERRIT, INDIAN, TO SELL LAND.

A Petition of Cæsar Ferrit of Natick, Indian, Praying for Liberty to sell Thirty Acres of his Land for Payment of his Debts contracted by Sickness, and for building a dwelling House & other Uses.

Legislative Records of the Council, xx., 466.

Read &

*Ordered* that the Prayer of the Petition be so far granted, as that the Petitioner be & hereby is allowed and impowered with the Advice & Consent of the Guardians of the Natick Indians to sell Thirty Acres of his Land in said Natick, and to execute a good Deed of Sale of the same, to the Person or Persons who will give the most therefor, seasonable Notice of the Time & Place of Sale being first given; the Produce thereof to be applied in the first Place to the Discharge of the just Debts of the Petitioner, and to the building the Petitioner a suitable dwelling House, the Remainder, if any there be to be applied to the best Advantage of the Petitioner, as the said Guardians shall direct. [*Passed June 7.*

House Journal, pp. 26, 37. *Ante*, p. 110, chap. 256.

## CHAPTER 26.

ORDER ALLOWING £4. 4. 10 TO DAN$^{L}$ MOOR.

Legislative Records of the Council, xx., 466. Mass. Archives, lxxiv., 321.

House Journal, pp. 30, 38. *Ante*, p. 258, chap. 228.

A PETITION of Daniel Moor, praying that he may be allowed out of the publick Treasury, the Charge he has been at in the Sickness of his Son, while he was a Soldier in the Expedition to Kennebeck River.

Read and

*Ordered*, That the Prayer of this Pet$^{n}$ be so far granted as that the sum of four Pounds, four shillings and ten pence be allowed and paid out of the Public Treasury to the Petitioner for his Expences mentioned therein. [*Passed June 7.*

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## CHAPTER 27.

ORDER OF NOTICE ON THE PET$^{N}$ OF JABEZ UPHAM & OTHERS OF THE FIRST PRECINCT TO BE ANNEXED TO THE THIRD PRECINCT IN BROOKFIELD.

Legislative Records of the Council, xx., 466. Mass. Archives, cxvii., 15.

Mass. Archives, cxvii., 14. House Journal, p. 39.

A PETITION of Jabez Upham, Ephraim Bartlet, John Rich & Obadiah Wright Inhabitants of the first Precinct in Brookfield, setting forth their Inconvenient Situation & Circumstances in the said Precinct, Praying that they with their Estates may be set off to the third Precinct in said Town.

Read and

*Ordered*, That the Pet$^{rs}$ serve the first Precinct in Brookfield with this Petition by leaving an Attested Copy thereof with their Precinct Clerk, That they shew cause (if any they have) on the second Wednesday of the next Sitting of this Court, why the Prayer thereof Should not be granted; and that the Collectors for the said first precinct are hereby directed not to Collect any Taxes laid on the Petitioners towards defreying the Charges of said Precinct, till the further Order of this Court. [*Passed June 7.*

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## CHAPTER 28.

ORDER ALLOWING £66. 13. 4 TO JOS. KELLOG.

Legislative Records of the Council, xx., 467. Mass. Archives, xxxii., 627.

Mass. Archives, xxxii., 626, 628. House Journal, pp. 10, 11, 18, 40. Province Laws, iii., 860, chap. 2. *Ante*, p. 267, chap. 255.

A PETITION of Joseph Kellog Esq$^{r}$ shewing the Difficulty he meets with in getting Payment of a Sum allowed him on his former Petition, for his Services to the Province, at divers Times and Places, as Interpreter of the Indian Language, praying for Relief from this Court.

Read and Whereas it appears That the Pet$^{r}$ has received a Grant from this Court of twenty Eight Pounds thirteen Shillings and four pence, and Obtained a Warrant from his Excellency the Gov$^{r}$ to the Treasurer for the said Sum to be paid out of the Interest money that may be received of the agents of Lady Warren pursuant to an Ord$^{r}$ of the Gen$^{l}$ Court; but inasmuch as there is no money in the Treasury As yet received of the Lady Warrants, [Warrens] Agents; Therefore

*Ordered* That upon the said Warrants being returned into the Secretary's office a New warrant be drawn upon the Appropriation of Contingences, and that there be an Addition to said Grant of Twenty Eight pounds thirteen shillings and four pence, of the further Sum of Thirty Eight pounds w^ch^ will make the whole amount to be sixty Six pounds thirteen shillings & four pence, and which is in full for the Pet^rs^ said past Services; Also

*Ordered* That upon the Treasurers receiving said Sum̃ of Sixty Six Pounds thirteen shillings and four pence into the Treasury from the agents of Lady Warren, he be directed to replace the same in the appropriation of Contingences. [*Passed June 7.*

## CHAPTER 29.

ORDER ALLOWING £6. 8. 7 TO JOHN TUTE.

A Petition of John Tute a Soldier in the late Expedition to Kennebeck River, shewing that upon his applying unto the Treasurer for his Wages for his said Service, he found they had been received by one William Oliver by Means of a Counterfiet Order, Praying to be allowed his Wages notwithstanding.

Legislative Records of the Council, xx., 467. Mass. Archives, lxxiv., 417.

Read and

*Ordered* That the Petitioner be allowed and paid out of the Public Treasury the Sum̃ of Six Pounds Eight Shillings and seven pence in full for his Services mentioned in this Petition: Also

Mass. Archives, lxxiv., 416. House Journal, pp. 29, 33.

*Ordered*, That the King's Attorney-General be directed to prosecute the said William Oliver for the forgery therein suggested to be comitted by him. [*Passed June 7.*

## CHAPTER 30.

ORDER IMPOWERING DANIEL THOMAS, INDIAN, TO SELL LAND.

A Petition of Daniel Thomas of Natick, Indian, Praying for Liberty from this Court to sell some small Parcels of Out-lands in Natick, the Produce of the same to be laid out for payment of his Debts, contracted by Means of Sickness, and for purchasing other Lands adjoining to his Homestead.

Legislative Records of the Council, xx., 468. Mass. Archives, xxxii., 621.

Read and

*Ordered*, That the Prayer of this Pet^n^ be so far granted, as that the Pet^r^ (with the advice & Consent of the Guardians of the Natick Indians) be and hereby is allowed and impowered to make Sale of his said out Lands mentioned therein Seasonable public Notice of the Time & place of Sale being first given; the Produce thereof to be applied in the first place to the payment of the Pet^rs^ just debts accruing by reason of his Wife's and Children's Sickness & Nursing, the remainder to be applied to the purchasing Land adjoining to the Pet^rs^ house Lott, as the said Guardians shall judge will be of the greatest advantage for his Improvement. [*Passed June 7.*[1]

Mass. Archives, xxxii., 620. House Journal, pp. 27, 36. *Ante*, p. 110, chap. 256.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 9.

## CHAPTER 31.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PAY OF THE INDIANS OF THE SIX NATIONS FOR CROWN POINT EXPEDITION.

Legislative Records of the Council, xx., 480. Mass. Archives, lxxiv., 443.

THE COMMITTEE appointed to take under Consideration his Excellency's Message of the 6th Instant have so far attended the Service as to consider the Extract from Major General Johnsons Letter referred to in his Excellency's said Message, & report as their humble Opinion. That a Sum not exceeding Six hundred Pounds be granted & allowed to be paid out of the publick Treasury of this Province, for the Service of the Expedition against Crown Point, to be applied towards engaging the Indians of the Six Nations, and supporting them and their Families during the Continuance thereof; and that the Treasurer be directed to reserve the aforesaid Sum, to be always ready to answer any Drafts on him by Major General Johnson for the Purpose aforesaid, Provided that the said Major General be accountable therefor, and that he draw on the Treasurer for so much only of the whole Charge, as shall be in Proportion to the Number of Troops, in the Pay of this Province, compared with the whole Forces of the several Colonies concerned in the Expedition.

Mass. Archives, vi., 206; lxxiv., 443. Legislative Records of the Council, xx., 462, 463. House Journal, pp. 34, 36, 42, 43. *Ante*, p. 294, chap. 321.

That for every Company of Indians consisting of One hundred Men there be allowed Wages To a Captain at the Rate of Nine Pounds Sterling per Month: To a Lieutenant at the Rate of Six Pounds Sterling per Month: & To an Ensign at the Rate of Four Pounds Sterling per Month; Their Pay to commence at the Time when they shall receive their Commissions.

That the Wages of the General or Commander in Chief of the Forces in the aforesaid Expedition be at the Rate of Twenty five Pounds Sterling per Month, to commence at the Date of his Commission; That this Province do pay towards the Wages of the General, and also towards the Wages of the Officers over the Indian Forces, in the same Proportion as is before proposed in this Report it should pay towards the Charge of securing & supporting the said Indians. Per Order JOHN OTIS.

Read and

*Ordered* That this report be Accepted. [*Passed June 7.*[1]

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## CHAPTER 32.

ORDER DIRECTING THE PROVINCE TREASURER TO WITHDRAW HIS EXECUTION AGAINST CALEB HUTCHINS, AND TO CREDIT THE TOWN OF KITTERY WITH £22. 11. 6.

Legislative Records of the Council, xx., 468. Mass. Archives, lxv., 95.

A PETITION of Caleb Hutchins of Kittery, shewing that he was ordered by the Select Men of said Town in the Year 1746 to take a List of Vessels belonging to said Town, & upon Warrant from the Treasurer, to collect the Sum of £21.11.6 set on said Vessels, and althô he never received any Warrant from the Treasurer for that Purpose, yet he demanded the said Tax of the Owners of the said Vessels; but they utterly refus'd paying him, and yet the Treasurer has issued out an Execution against him, and praying for Relief.

Mass. Archives, lxv., 93. House Journal, pp. 33, 46.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 14.

Read, and Whereas it appears to this Court that the Select Men of the Town of Kittery mistook the Law in levying an Assessment upon the Vessels referred to in this Petition; and that the Petr had no Authority to collect the same: Therefore

*Ordered* That the Province Treasurer be, and he is hereby directed to withdraw his Execution which he has issued against the Petr And that he discharge the Town of Kittery of the Sum of Twenty one Pounds eleven shillings and six pence new Tenor which they stand charged with in his Books for the aforesaid Assessment. [*Passed June 9.*

## CHAPTER 33.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

An Accompt presented by Jonathan Bacon Treasurer of the County of Barnstable for the last Year, having been laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Legislative Records of the Council, xx., 468. Mass. Archives, ccxlviii., 167.

Read and

*Ordered* That this Accompt be allowed; and that the Balance thereof being thirteen pounds seventeen shillings And one peny three farthings the said Treasurer be further accountable to the said County for. [*Passed June 9.*

House Journal, pp. 13, 31, 41, 42.

## CHAPTER 34.

VOTE DESIRING THE GOVERNOR TO APPOINT A FAST.

*Voted* that His Excellency the Governour be desired with the Advice of the Council to appoint a Day as soon as conveniently may be to be Sett apart for solemn Fasting and Prayer to implore the divine Protection and Blessing upon the great and important Expeditions, We are Engaged in. And that all servile Labour and Recreations be forbidden on said Day.[1] [*Passed June 9.*

Legislative Records of the Council, xx., 468. Mass. Archives, xiii., 663.

House Journal, p. 48. Love's Fast and Thanksgiving Days of New England, p. 497.

## CHAPTER 35.

ORDER ALLOWING 40/ ANNUALLY TO NATHL HIX.

A Petition of Nathaniel Hix of Kittery shewing that by Reason of Wounds he received at Cape Breton he is still unable to do any Thing for his Support, praying for some Allowance out of the publick Treasury.

Legislative Records of the Council, xx., 469. Mass. Archives, lxxiv., 444.

Read and

*Ordered*, That the Petr be allowed and paid out of the Public Treasury annually during the Term of his Natural Life the sum of Forty shillings in Consideration of his past Services & Sufferings. [*Passed June 9.*

Mass. Archives, lxxiv., 444. House Journal, pp. 27, 41.

[1] The fast was appointed for July 3, 1755, and was public.

## CHAPTER 36.

ORDER IMPOWERING DIVERS MASHPEE INDIANS TO SELL LAND.

Legislative Records of the Council, xx., 469. Mass. Archives, xxxii., 617.

A PETITION of divers Indians of Marshpee, setting forth the Serviceableness of Ebenezer Thomas to their Village, and praying that they may be allowed to sell to him Four Acres of Land particularly mentioned in the Petition.

Read and

Mass. Archives, xxxii., 616. House Journal, pp. 40, 47. *Ante*, p. 110, chap. 256.

*Ordered* That the Prayer of this Pet$^{n}$ be so far granted as that the Guardians to the said Indians be and hereby are impowered to Execute a Deed of Sale to the within named Eben$^{r}$ Thomas of the Land petitioned for to be sold, he paying them what they shall judge the Land to be reasonably worth, and that the said Guardians be Accountable for the monies arising by said Sale as they by Law are Already Obliged to do for all monies of the said Indians that come into their hands. [*Passed June 9.*

## CHAPTER 37.

RESOLVE ESTABLISHING THE GORE OF LAND BETWEEN BRAINTREE FARMS AND BROOKFIELD, AS PART OF THE DISTRICT OF NEW BRAINTREE, THE OWNERS THEREOF TO PAY A TAX OF ONE PENNY PER ACRE FOR THREE YEARS.

Legislative Records of the Council, xx., 469. Mass. Archives, cxvii., 25.

A PETITION of the Inhabitants of the Plantation called New Braintree, setting forth the Difficulties they are under in raising their Tax on the Land formerly belonging to John Quincy Esq$^{r}$ which they apprehend lies within the Line of their District, praying that this Court would pass such further Order in this Affair, as may determine the Controversy.

Read, and

Mass. Archives, cxvii., 24. House Journal, pp. 16, 46. Province Laws, xiv., 453, chap. 116; 653, chap. 62.

*Resolved* that the Gore of Land in this Petition mentioned formerly belonging to John Quincy Esq$^{r}$ lying between Braintree farms (so called) and Brookfield Containing three hundred and twenty Acres, was by the true Intention of the great & General Court meant to be included, And that the same shall be deemed and understood for the time to come to be included within the bounds of the District of New Braintree as sett off by the said General Court, And that the Owners & Possessors of the same ought to pay, And they are hereby Subjected & Ordered to pay their proportion of the said Tax of one peny ℔ Acre imposed on the Lands in said District for three years accordingly, in consequence of the said Order of this Court. [*Passed June 9.*

## CHAPTER 38.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

Legislative Records of the Council, xx., 470. Mass. Archives, ccxlviii., 169.

AN ACCOMPT presented by Daniel Russell Esq$^{r}$ Treasurer of the County of Middlesex for the last Year, having been by him laid before the Court of General Sessions of the Peace for the said County, and by them allowed.

Read and
*Ordered* That this Accompt be allowed; [and][1] that the Ballance thereof being nineteen pounds three shillings and two pence the said Treasurer be accountable to the said County for. [*Passed June 10.*

Mass. Archives, ccxlviii., 169. House Journal, pp. 13, 31, 42.

## CHAPTER 39.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PETN OF MIDDLEBOROUGH FIRST PRECINCT.

The Committee to whom was referr'd the Petition of the first Precinct in Middleborough, [*ante*, p. 191, chap. 64] having repaired to said Middleborough, heard the Petitioners & considered their Circumstances, do report as our Opinion that the two Easterly Precincts in said Middleborough, be reunited into one Precinct to all Intents & Purposes, as they were at the Death of the late Revd Mr Peter Thatcher, or before their Division, into two Precincts by the General Court; Saving the Inhabitants of the Precinct whereof, the Revd Mr Thomas Weld was late Pastor shall have full Power & Authority to raise such Sums of Money on themselves, and assess their Inhabitants for the same, as may be necessary to pay the just Debts of the said Precinct to this Time, as also to sue for any Debts due to said Precinct, and to raise such Sums of Money as may be necessary to defend any Law Suits that are or may be commenced against them, as a Precinct; and that one Years time be allowed to said Precinct to settle their Accompts & no more, saving only where any Law Suits are or may hereafter be commenced against them; or they may be obliged to commence any Law Suit in Order to recover any Moneys that may be due to them as a Precinct; And that for the future the Minister for the Time being of the said Precincts thus united enjoy the whole Benefit of the Parsonage or Ministerial Lands that lay in both Precincts, for the Use of the Ministry, and that the Polls and Estates of the whole be taxed to the Support of the Revd Mr Sylvanus Conant, the present Minister and to his Successors in the Ministry in said Precinct, and to all Precinct Charges, saving such Persons as are hereafter excepted; And whereas there are a Number of Persons in said Precinct very desirous of attending the publick Worship in some of the Neighbouring Congregations. We are further of Opinion, for the healing the Divisions that are as yet unhappily subsisting among them, that so long as Capt Joel Ellis, Benjamin Churchill, Thomas Ellis, Perez Churchill, Benjamin Churchill junr, Peter Tinkam, Nehemiah Bennet, Jacob Thompson, Deacon Saml Barrow, Combes Barrow, James Palmer, Samuel Fuller & Hester Benet shall generally attend the publick Worship of God in the second Precinct in Plympton; and that so long as Joshua Benson, Rowland Benson, Elnathan Benson, Ezra Muxam & Charles West shall generally attend the publick Worship of God of God[2] in Warham, and that so long as that John Read, Thomas Dogget, Rodolphus Elmes & William Read shall generally attend the publick Worship of God in the second Precinct in Middleborough, and that so long as that Jacob Bennet shall generally attend the publick Worship of God in the third Precinct in Rochester, and shall produce Certificates from either of the Deacons

Legislative Records of the Council, xx., 470. Mass. Archives, cxvi., 716.

Mass. Archives, cxvi., 715. House Journal, p. 51. *Ante*, p. 191, chap. 64.

[1] Inserted from Legislative Records of the Council, xx., 470.
[2] *Sic.*

of the Churches in said Towns or Precincts, or from the respective Town or Precinct Clerks, that they do so attend, to the Treasurer of the said united Precinct in Middleborough, said Treasurer shall pay to the Minister of said Town or Precinct where said Persons attend the publick Worship as aforesaid, the respective Sums such Persons are taxed from time to time in said Precinct in Middleborô towards the Support of the Minister there; and that all such Persons as hereby have Liberty to attend the publick Worship of God in the aforesaid Congregations, shall have no Liberty to vote or act in any Affairs in said united Precinct in Middleborô, neither shall their Polls or Estates be taxed in said Precinct, for any Precinct Charges, saving only for the Support of the Minister, so long as they continue to attend the publick Worship in other Congregations, and produce Certificates as aforesaid: And that these Precincts thus united shall be stiled & accounted, as it originally was, the first Precinct in Middleborough.

And we are further of Opinion, that if, by Means of the Ministers of the several Towns and Precincts receiving of the Treasurer of the said first Precinct in Middleborough, the Sums that the Persons before mentioned shall be respectively taxed from time to time, for the Support of the Minister in the said first Precinct, there should any Deficiency happen in the Sum agreed upon for his Salary, that the Assessors for the time being for said Precinct be directed & impowered, in their Assessing the Inhabitants from time to time to assess them a sufficient Sum to make good such Deficiency. Which is humbly Submitted.

GEORGE LEONARD
Dated at Middleborough, May 8. 1755. THOS FOSTER } Comtee
THOS CLAP

Read and

*Ordered* that this Report be Accepted and that the Charge of the Committee being Four Pounds eleven shillings be born by the first Precinct in Middleborrô as now reunited. [*Passed June 10.*

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## CHAPTER 40.

### ORDER ALLOWING £3. 4. TO JONA NUTTING.

Legislative Records of the Council, xx., 472. Mass. Archives, lxxiv., 433.

A PETITION of Jonathan Nutting, late a Soldier at Fort Halifax, Praying that this Court would allow him out of the publick Treasury the Charges of his Sickness contracted while he was in the publick Service as aforesaid.

Mass. Archives, lxxiv., 433. House Journal, pp. 45, 48.

Read and

*Ordered* That the Sum of three pounds four Shillings be allowed and paid out of the Public Treasury to the Petitioner or his Order in full Satisfaction for the Charges necessarily expended in his Sickness therein mentioned. [*Passed June 10.*

# CHAPTER 41.

VOTE REQUESTING THE CAPT GENERAL TO DECLARE WAR AGAINST THE ARASAGUNTACOOK INDIANS AND ALL OTHER TRIBES OF INDIANS EAST OF THE PISCATAQUA RIVER EXCEPT THE PENOBSCOT TRIBE, TO NEGOCIATE WITH THE PENOBSCOT TRIBE, TO ESTABLISH BOUNTY FOR PRISONERS AND SCALPS AND TO PROVIDE FOR THE DEFENCE OF THE EASTERN AND WESTERN FRONTIERS.

*Voted*, That His Excellency the Captain General and Governour be desired immediately to declare War against the Arasaguntacook Tribe of Indians, and all other the Tribes of Indians eastward & northward of Piscataqua River, the Penobscott Tribe only excepted. Legislative Records of the Council, xx., 473. Mass. Archives, lxxiv., 447.

That His Excellency be desired to inform said Penobscott Tribe, that this Government is sincerely desirous to maintain Peace and Amity with them, and to take into their Pay and Subsistence all such of their Tribe as are able body'd effective Men, capable of bearing Arms, and will act offensively with us, against those Tribes of Indians, who in the most audacious and perfidious Manner, have violated their solemn Treaties of Peace with us; and upon which, by all the Treaties now subsisting between us and the Penobscott Tribe, they are obliged to take up Arms as aforesaid: And that upon their so Doing this Government will at their own Charge take Care of, and support their Invalids, Women and Children, if they will come amongst Us, and put themselves under our Protection. Mass. Archives, cix., 184. Legislative Records of the Council, xx., 458 *bis*. House Journal, pp. 49, 52, 53, 54. Province Laws, xiv., 598, chap. 156. *Ante*, p. 311, chap. 361.

That for the Defence of the Eastern Frontiers, a Marching Army be raised by Inlistment, consisting of Three Hundred Men, exclusive of Officers; that they be constantly employ'd in Scouting, and that their Destination be as follows:

That Fifty Men be employ'd in Scouting from Lebanon to Saco River; Sixty Men from Saco River to New Boston, by the Way of Pearson, and Hobbs Town and New Glocester, ninety Men from New Boston to Franckfort; One Hundred Men from Franckfort to the Truck House on St George's River.

That the Pay for the Officers and Soldiers be the same as is now established for the Officers and Soldiers in the intended Expedition against Crown Point, and the Subsistence the same, as was allowed to marching Forces, during the last War, and a Bounty of Three Dollars be given to each Soldier that may inlist, and find his own Gun.

That the following Bounty be granted and allowed, to be paid out of the Publick Treasury over and above the Encouragement aforesaid;

For every male Indian Prisoner above the Age of Twelve Years, that shall be taken and brought to Boston, Fifty Pounds.

For every male Indian Scalp brought in as Evidence of their being killed, Forty Pounds.

For every Female Indian Prisoner taken and brought in as aforesaid, and for every male Indian Prisoner under the Age of Twelve Years taken and brought in as aforesaid, Twenty-five Pounds.

For every Scalp of such Female, or male Indian under twelve Years of Age, brought in as Evidence of their being killed as aforesaid, Twenty Pounds.

That there be but two Commission Officers, Viz[t] a Captain and Lieutenant to a Company of not less than Forty five men; that the Establishment be for Five Months, to Commence from the Twen-

tieth Day of June Instant and no longer; That the Pay and Subsistance of the Soldiers that may be inlisted as aforesaid commence upon the Day of their Inlistment, and that an Establishment be made accordingly.

Also

*Voted*, That Fort Hallifax, and the Store House at Cushnoc be garrison'd with Eighty Men and no more.

Fort at Brunswick five men and no more.

Fort Frederick at Pemaquid, with Twenty Men and no more.

The Truck House at S$^{t}$ George's with Forty three Men and no more.

The Truck house at Saco with Fifteen Men and no more.

Also

*Voted*, That Richmond Fort is of no Service for the Defence of the Eastern Country, and therefore that the Captain General be desired to dismantle the same, and give Orders for the Removal of the Province Stores which are there; And that His Excellency the Captain General be desired to give Orders that all those Men who were impressed to guard the Province Stores up to Fort Hallifax be dismissed upon their having performed that Service.

And for an Additional Security to the Western Frontiers,

*Voted*, that there be Four Men at Fort Dummer and no more.

At Fort Massachusetts, Forty Men and no more.

At Pontoosuck, Eleven Men and no more.

For the three Garrisons at Charlemont, Twenty four Men and no more.

At the three Garrisons at Colarain, Twenty four men and no more.

At the two Garrisons at Fall Town Fourteen Men and no more.

At Northfield and Greenfield, Twenty Men and no more.

And that the Pay of the Officers and Soldiers in the several Forts and Garrisons be the same as was provided by the last Establishment made for said Forts and Garrisons.

And that if in the Judgment of the Captain General, he shall hereafter find it necessary that there be a Number of Men employ'd in Scouting between the Rivers of Connecticut and Merimack, that he be desired to raise Thirty Men by Inlistment, and destine them there for that Purpose, for the Time aforesaid, and that the same Pay, Subsistance and Bounty be allowed them, as are allowed to the marching Forces proposed to be raised on the Eastern Frontier; and that an Establishment be made accordingly. [*Passed June 10.*[1]

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## CHAPTER 42.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF PLYMOUTH AND ALLOWING £6. 5. 11 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xx., 472. Mass.

THE COMMITTEE appointed to farm out the Excise on Spirituous Liquors &c$^{a}$ in the County of Plymouth, reported that they had let out the same to M$^{r}$ Seth Bryant for £320.[2] and have taken his Bond

[1] This date is according to Mass Archives and the House Journal; according to Legislative Records of the Council the date is June 11.

[2] For the year 1754–55. See the House Journal, p. 11.

with Sureties & lodged it with the Province Treasurer, their Acco[t] of Charge being £6.5.11.

Archives, cxx., 55b.

Read & Accepted, and

*Ordered*, That the Sum of Six pounds five Shillings and eleven pence be allowed & paid out of the publick Treasury to the Said Com[tee] for that service & in discharge of their Account. [*Passed June 11.*

Mass. Archives, cxx., 55b. House Journal, p. 11. *Ante*, p. 242, chap. 185.

## CHAPTER 43.

### ORDER DIRECTING THAT GEO. HARRINGTON AND ASSOCIATES REMAIN ANNEXED TO THE DISTRICT OF SPENCER.

A Petition of George Harrington for himself & his Associates, shewing that by Order of the General Court they were set off from the Town of Brookfield to the District of Spencer, where they have done Duty in all Respects, notwithstanding which the third Precinct in Brookfield have taxed them to the Charge of that Precinct, Praying for Relief from this Court:

Legislative Records of the Council, xx., 472. Mass. Archives, cv., 514, 515.

The Committee To whome was Refered the Memorial of George Harrington in behalfe of him Self and his asociates having Considered the Same, find the Facts therein Set forth to be true, and having made Strict Inquiry, we find That the Committee appointed by this Court to Repair to the Town of Brookfeild in the year 1754, To View There circomstances and Reporte, Did Not View that Part of the Town of Brookfield Which was Set off and annexed to the Distrect of Spencer, Neither did they Suppose that the Memorielest or his Asociates were Set Back from the Distrect of Spencer to the third preceinct in Brookfield, The Committee are therefore of Opinion that the prayer be So far Granted that the Said George Harrington and his asociates Remain to the Distrect of Spencer as fully as if No Division had been made in the Town of Brookfield all which is Humbley Submitted

Mass. Archives, cv., 513. House Journal, pp. 51, 52, 57. *Ante*, p. 42, chap. 90.

Samuel Livermore p[r] order

Read and Whereas it appears to this Court that the Com[tee] appointed to Repair to the Town of Brookfield in order to a Division thereof into separate Precincts, did not view that part of said Town where the Memorialist & his Associates dwell, and had No Apprehension of their being set back from the district of Spencer (they at that time belonging thereto) to the s[d] third precinct in Brookfeild:

Therefore

*Ordered* that the Prayer thereof be so far granted as that the said George Harrington & his Associates mentioned, remain annexed to the said District of Spencer as fully, and to all intents and purposes as if no Division had been made of Said Town of Brookfield into seperate Precincts, any thing in the Act for said Division passed this Court the last year Notwithstanding. [*Passed June 11.*

## CHAPTER 44.

VOTE CHOOSING JOHN SHARPE, ESQR, AGENT AT THE COURT AT GREAT BRITAIN.

Legislative Records of the Council, xx., 473. Mass. Archives, xxi., 296.

THIS DAY being appointed for the Choice of an Agent at the Court of Great Britain in the Room of William Bollan Esqr who has resigned the Votes being Sorted and Counted it appear'd that John Sharpe Esqr was Chosen by a Major Vote of the Council and Representatives. [*Passed June 11.*

Mass. Archives, xxi., 294. House Journal, pp. 35, 39, 54, 55, 61, 62, 63.

## CHAPTER 45.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE LETTER OF JOSIAH BEAL.

Legislative Records of the Council, xx., 474. Mass. Archives, lxv., 92.

THE COMMITTEE to whom was referr'd a Letter from Josiah Beal to the Captain General for their Consideration of the same, beg Leave to report that they are unanimously of Opinion that it will not consist with the Safety of the Government, in the present Conjuncture of Affairs, to permit the said Beal to proceed to Sea in the Vessel he now Commands or in any other for two Months next Coming, and that therefore the Captain General be desired to take effectual Measures to prevent the same at all Events: All which is humbly submitted:

Per JOHN GREENLEAF per Order.

Read &
*Ordered* that this Report be accepted. [*Passed June 11.*

Mass. Archives, lxv., 90. Legislative Records of the Council, xx., 470. House Journal, pp. 47, 61.

## CHAPTER 46.

ORDER IMPOWERING ELIZA PATTEN, ADMX, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 475. Mass. Archives, xix., 299.

A PETITION of Elizabeth Patten Administx of the Estate of John Patten late of Tewksbury decd shewing that there is a considerable Debt lying upon the said Deceased's Estate beyond what the Personal Estate will discharge; And praying that the whole real Estate may be sold as being best for the Children.

Read and
*Ordered*, That the Petr in her said Capacity of Adminx be and hereby is fully impowered to make Sale of The Buildings and Land in the Petn mentioned for the most the same will fetch, and to make and execute a good Deed or Deeds of the same; Provided That she give sufficient Caution to the Judge of Probate for the County of Worcester, That the Overplus Money arising by Said Sale (after the Just Debts due from the sd Estate are paid, and the Widow's Dower secured to her) be distributed to and among the Children & the legall representatives of the said John Patten deceased, According to Law, two thirds thereof upon the Settlement of said Estate, and the other third at her decease. [*Passed June 12.*

Mass. Archives, xix., 300. House Journal, pp. 38, 57, 63.

# CHAPTER 47.

VOTE ESTABLISHING WAGES OF OFFICERS AND SOLDIERS ON EASTERN AND WESTERN FRONTIERS.

*Voted*, That the Establishment for Wages of the Officers & Soldiers and Centinels for the Eastern & Western Frontiers be as follows, for a term not exceeding five months: Viz[t]

Mass. Archives, lxxiv., 456.

House Journal, pp. 49, 62. *Ante*, p. 343, chap. 41.

| | | | | | |
|---|---|---|---|---|---|
| For a Captain of the Marching forces . . . . | £4. | 16. | 0 | ℔ | Month |
| For one Lieutenant . . . . . | 3. | 4. | 0 | | D° |
| For three Sergeants each . . . . . | 1. | 14. | 1. | | D° |
| For two Corporals each . . . . . | 1. | 9. | 10. | | D° |
| For a Centinel . . . . . | 1. | 6. | 8. | | D° |

And for the Garrison Officers and Soldiers, for a Term not exceeding Six Months, as follows: Viz[t]

| | | | | | |
|---|---|---|---|---|---|
| For a Captain . . . . . | £4. | 0. | 0. | ℔ | month |
| For one Lieutenant . . . . . | 3. | 0. | 0. | | D° |
| For a Sergeant to twenty men . . . . . | 1. | 10. | 0. | | D° |
| For a Clerk . . . . . | 1. | 10. | 0. | | D° |
| For a Corporal to Twenty men . . . . . | 1. | 10. | 0. | | D° |
| For a Drummer . . . . . | 1. | 8. | 0. | | D° |
| For a Centinel . . . . . | 1. | 4. | 0. | | D° |
| For an Armourer at the Westward . . . . | 3. | 0. | 0. | | D° |

And that the same allowance be made for their Subsistence as has been heretofore made for Marching and Garrison Soldiers. [*Passed June 12.*

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# CHAPTER 48.

VOTE DISTRIBUTING THE TEMPORARY LAWS OF THE PROVINCE.

Legislative Records of the Council, xx., 476. Mass. Archives, xlix., 435.

*Voted* That each of the Members of the present General Court who did not belong to the Gen[l] Court the last Year, shall be intitled to the Temporary Laws of this Province, at the public Charge. [*Passed June 13.*

House Journal, p. 19. *Ante*, p. 304, chap. 346.

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# CHAPTER 49.

ORDER ALLOWING £13. 13. 4 TO SARAH FOX, ADM[x].

A Petition of Sarah Fox, Widow & Administratrix of John Fox late of Littleton dec[d] shewing that her Husband being in the publick Service in the Expedition on Kennebeck River, contracted a Sickness that proved Mortal, Praying for Payment of his Sickness & Funeral Charges out of the publick Treasury.

Legislative Records of the Council, xx., 479. Mass. Archives, xix., 254.

Read &

*Ordered* That the Prayer of this Pet[n] be so far granted as that there be paid out of the Public Treasury to the Pet[r] the sum of thirteen Pounds thirteen shillings and four pence in full discharge of the Acco[t] therewith exhibited. [*Passed June 13.*

Mass. Archives, xix., 253. House Journal, pp. 41, 64.

## CHAPTER 50.

ORDER ALLOWING £14 TO ICHABOD LEONARD.

Legislative Records of the Council, xx., 479. Mass. Archives, lxxiv., 426.

A PETITION of Ichabod Leonard late a Soldier in the Expedition upon Kennebeck River, praying that the Charges of his Sickness contracted by the Hardships he endured in that Service, may be paid out of the publick Treasury.

Read and

Mass. Archives, lxxiv., 425, 426. House Journal, pp. 57, 70.

*Order'd* that the Prayer of this Pet^n^ be so far granted as that there be allowed and paid out of the Public Treasury, to the Pet^r^ the sum of fourteen Pounds, towards enabling him to pay the Doctor's Bill therewith Exhibited. [*Passed June 13.*

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## CHAPTER 51.

ORDER ALLOWING £9. 3. 2 TO JOHN FOX.

Legislative Records of the Council, xx., 480. Mass. Archives, lxxiv., 332.

A PETITION of John Fox late a Soldier in the Expedition upon Kennebeck River, Praying that he may be allowed out of the publick Treasury the Charge of his Sickness contracted by his Hardships endured in that Service,

Read And

Mass. Archives, lxxiv., 332. House Journal, pp. 41, 65.

*Ordered* That the prayer of this Petition be so far granted as that there be paid out of the Public Treasury of this province to the said John Fox the sum of nine pounds three shillings and two pence in full discharge of the Acco^t^ therewith exhibited. [*Passed June 13.*

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## CHAPTER 52.

VOTE DESIRING THE CAP^T^ GENERAL TO ORDER THE DELIVERY OF POWDER FOR THE CROWN POINT EXPEDITION.

Legislative Records of the Council, xx., 480.

A MEMORIAL of the Committee of War for the Expedition to Crown Point, shewing that they have not been able to purchase any Gun Powder, nor have any Prospect of doing it soon, (all at the Market having been bought up for the Expedition to Nova Scotia,) and New Hampshire & Connecticut Governments depending in a great Measure upon this Province to be furnished here; Therefore, praying that the Memorialists may be impowered to take one hundred Barrells out of the publick Magazines Read &

Legislative Records of the Council, xx., 468. House Journal, p. 68. *Ante*, p. 294, chap. 321; p. 296, chap. 325.

*Voted* that his Excellency the Captain General be desired to give Orders that Two hundred Barrells of Powder be delivered out of the Magazines of this Province to the Committee of War, in order to their being transported to Albany for the Use of the Forces employed on the Exped^n^ to Crown Point. [*Passed June 13.*

## CHAPTER 53.

VOTE ALLOWING BOUNTY FOR SCALPS AND CAPTIVES ON THE WESTERN FRONTIERS.

Legislative Records of the Council, xx., 481. Mass. Archives, lxxiv., 458.

*Voted* that the Same bounty for Indian Scalps and Captives be allowed to the forces on the Western Frontiers as is allowed to the Forces on the Eastern Frontiers

Also that the same Bounty be allowed to all Persons who are Inhabitants of this Province that shall Captivate or kill any Indian Enemy, and shall produce such Indian or Scalp in Evidence. [*Passed June 14.*

Mass. Archives, xxxii., 636. House Journal, pp. 76, 77. *Ante*, p. 343, chap. 41.

## CHAPTER 54.

RESOLVE THAT 300 OF THE 1,500 MEN RAISED FOR CROWN POINT EXPEDITION BE USED IN THE NIAGARA EXPEDITION.

Legislative Records of the Council, xx., 481. Mass. Archives, lxxiv., 457.

*Resolved* That three hundred of the fifteen hundred Men raised by this Province for the Expedition to Crown point be allowed (if they Voluntarily inlist) to proceed with the forces destined to Niagara: Provided that the Enlistment of the other twelve hundred men to be raised by this Province be Compleated: Provided also that the said three hundred Men be transported and subsisted without any Expence to this Province, And shall be dismissed at the End of Eight Months from their Inlistment: Provided also that the full Number of three thousand seven hundred Men agreed upon to be raised by the several Governm$^{ts}$ appear upon the Muster at Albany for the Expedition to Crown point and are Ordered to that Service. [*Passed June 14.*

Legislative Records of the Council, xx., 401, 478. House Journal, pp. 74, 75, 76, 78. *Ante*, p. 300, chap. 334.

## CHAPTER 55.

VOTE ALLOWING BOUNTY FOR 15 VOLUNT$^{RS}$ ON Y$^{E}$ WEST$^{N}$ FRONTIERS.

Legislative Records of the Council, xx., 481. Mass. Archives, lxxiv., 452.

*Voted* that there be an Addition of fifteen Men for the service of the Western Frontiers to be employed as the Cap$^{t}$ Gen$^{l}$ shall Order And that to prevent an Impress there be a Bounty of three Dollars ℔ Man allowed to each Man that finds his own Gun the Money to be paid into the Hands of Israel Williams Esq$^{r}$ for that Service He to be accountable.[1] [*Passed June 14.*

*Ante*, p. 343, chap. 41.

## CHAPTER 56.

RESOLVE ALLOWING BOUNTY FOR 15 MEN AT FORT MASSACHUSETTS.

Legislative Records of the Council, xx., 482. Mass. Archives, lxxiv., 451.

*Resolved* That in Order to prevent an Impress of Men there be a bounty of three Dollars per Man allowed to fifteen men who shall inlist for fort Massachusetts, and find their own Gun, the said fif-

House Journal, p. 65.

[1] Not found in the House Journal.

Province Laws, iii., 948, note. *Supra*, chap. 55.

teen Men being part of the Forces already allowed on the Western Frontier: The Money to be paid into the hands of Israel Williams Esq[r] for that service he to be Accountable. [*Passed June 14.*

## CHAPTER 57.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY ELKANNAH PARRIS WAGES DUE HIM ON CAP[T] ELISHA CHAPINS MUSTER ROLLS, AND TO SUE SAID CHAPIN FOR AMOUNT THEREOF.

Legislative Records of the Council, xx., 482. Mass. Archives, lxxiv., 427.

House Journal, pp. 9, 10, 13.

A PETITION of Elkanah Paris a Soldier at Fort Massachusetts, Complaining against Capt Elisha Chapin (the former Commander there) that he has receiv'd the Petitioners Wages upon several Muster Rolls out of the Treasury & refusus to repay him the same, Praying for Relief from this Court.

Read &

*Ordered*, That the Province Treasurer be directed to pay the Pet[r] whatever Sums of Money may be due to him on Cap[t] Elisha Chapin's Muster Rolls; And Also that he be directed to sue the said Elisha Chapin for the same. [*Passed June 14.*

## CHAPTER 58.

ORDER ALLOWING 13/4 AND A GUN TO JOS. MUNROE.

Legislative Records of the Council, xx., 137, 482. Mass. Archives, lxxiv., 144a.

Mass. Archives, lxxiv., 144, 145.

Legislative Records of the Council, xx., 137. House Journal, pp. 130, 144 (December, 1753); p. 49.

A PETITION of Joseph Munroe of Billerica, shewing that in receiving the Wages due for the Service of his Son Amos Munroe, a Soldier in the late Expedition to Cape Breton (now dec[d]) £10. Old Tenor was defalcated for a Province Gun lent him & supposed not to be returned; but for as much as he finds the said Gun was returned as appears by the Commissary General's Certificate, Praying that he may receive the Money stop'd out of said Wages.

Read &

*Ordered* That this Pet[n] be rivived; And That the Prayer thereof be so far granted as that there be allowed and paid out of the Public Treasury to the Pet[r] the sum of thirteen shillings and four pence; and Also that the Comissary General be directed to deliver to the Pet[r] one of the province Firelocks. [*Passed June 14.*

## CHAPTER 59.

ORDER ERECTING EBENEZER SHERWIN AND OTHERS OF THE TOWN OF DUNSTABLE WITH THEIR ESTATES, INTO A PRECINCT.

Legislative Records of the Council, xx., 482. Mass. Archives, cxvii., 23.

Mass. Archives, cxvii., 19–21.

A PETITION of John Sherwin & Ebenezer Kendal, for themselves & a Number of others, Inhabitants of the Town of Dunstable, praying that the Inhabitants of Nottingham & Dracut, that have appeared to join with them in the Settlement of a Minister may be turned off from them, and that a Precinct may be erected in Dunstable, within the Limits particularly mentioned:

Read, and in answer to this Petition, House Journal, p. 79.

*Order'd* that such of the Inhabitants of the Town of Dunstable & their Estates (scituate to the westward of Simon Tompson's Dwelling House,) together with their associates, Who, on or before the thirteenth Day of September next, shall give in their Names to the Secretary of the Province, with their Desires therefor (signifyed in Writing), be, and they are hereby Erected into a Precinct, & vested with all the Powers & Priviledges, & subjected to all the Duties that other Precincts in this Province are by Law invested with & subj[e]cted unto. [*Passed June 14.*

## CHAPTER 60.

ORDER IMPOWERING Mr PETER THATCHER, EXECUTOR, AND MARY THATCHER TO JOIN WITH GUARDIAN OR GUARDIANS TO BE APPOINTED, IN SALE OF REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Mr Peter Thatcher, Executor of the last Will & Testament of Mr Peter Thatcher late of Middleborô in the County of Plymouth Clerk, decd shewing that he has paid the Debts that were due from the said Estate, and settled the Accompt of his Administration, according to which the Estate falls in his Debt above Two Thousand Pounds Old Tenor, and for as much as all the Heirs that are of Age are desirous that the said Real Estate which consists of a House & Land, should be sold, yet their being Minors, it cannot be done without the Authority of this Court, therefore praying for Liberty from this Court to sell the said Real Estate for the Purpose aforesaid. Legislative Records of the Council, xx., 483. Mass. Archives, xix., 293. Mass. Archives, xix., 292. House Journal, p. 77.

Read and

*Ordered* that the Prayer of the Petition be so far granted as that the Guardian or Guardians which shall be lawfully appointed to the said Minors be and hereby are impowered to Joyn with the Petr and his Mother Mary Thatcher in the sale of the Land and Real Estate mentioned in the Petn and give and Execute good and Sufficient Deed or Deeds for Conveying the same and the Money arising by the Sale thereof which belongs to said Minors after the Ballance of the Executors is Discharged be let to Interest upon good Security and applied to the benefit of said Minors. [*Passed June 14.*

## CHAPTER 61.

ORDER IMPOWERING THE COMMITTEE ON GUNPOWDER AND SMALL ARMS TO CONTRACT FOR 500 BARRELS OF GUN POWDER AND 1,000 STAND OF ARMS.

Committees Report about purchasing Gun Powder & Fire Arms, vizt Legislative Records of the Council, xx., 484. Mass. Archives, lxxiv., 455.

The Committee have made Inquiry pursuant to the within Order, & find that One Thousand Barrells of Powder & twenty five hundred of small Arms may be sent for & purchased on the Conditions following, vizt Ten per Cent upon the first Cost, Freight, Insurance & all Charges thereon; The Purchase Money to be paid in two Years from the Delivery of said Arms & Ammunition, six per Cent Inter- Mass. Archives, lxxiv., 453, 454. Legislative Records of the Council, xx.,

468. House Journal, p. 45. *Ante*, p. 264, chap. 246.

est therefor to be paid Annually, and y^e^ Interest to commence from the Delivery aforesaid; And that the hon^ble^ John Erving Esq^r^ & M^r^ Nicholas Boylstone are the Gentlemen who make the Offer aforesaid;

June 12 1755. By order EZEKIEL CHEVER.

Read &

*Ordered* That the within Named Committee be and hereby are impowered to Contract and agree with John Erving Esq^r^ & M^r^ Nicholas Boylstone, or some Other person or persons for five Hundred bar^ls^ of Gun Powder, and for One thousand Stands of Arms to be of the size & according to the Directions given to M^r^ Agent Bollan by the last Court, the same to be disposed of according to the future Orders of this Court; the said Contract to be made on the Terms mentioned in the within report, except the Article of Ten ℔ Cent advanced on the freight.[1] [*Passed June 14.*[2]

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## CHAPTER 62.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE ON THE PETITION OF ROB^T^ NEVINS IN REGARD TO A NEW SURVEY OF LAND.

Legislative Records of the Council, xx., 487 *bis*. Mass. Archives, xlvi., 439.

Mass. Archives, xlvi., 437. Maps and Plans, Mis., iv., 37; xxxiv., 2. House Journal, pp. 70, 76.

A PETITION of Robert Nevins of Hartford in the Colony of Connecticut, shewing that he is likely to be greatly injured in his Right to 500 Acres of Land, granted by this Government to John Pynchon Esq^r^ & sold to the Petitioner, by Means of the Unfaithfulness of the Surveyour of 10,000 Acres of the Equivalent Lands, by which Means the said Tract is larger than it ought to be, & runs in upon the Petitioner's, Praying that a new Survey may be made of said 10,000 Acres.

The Committee to whom was referred the within Petition, are humbly of Opinion that the Prayer thereof be so far granted, as that the Bounds of said Ten Thousand Acres be by a Committee of this Court surveyed, and the Bounds thereof ascertained agreable to the original Design and true Intent thereof, and that when said Survey is performed, the Proprietors of the said Ten Thousand Acres be notified of the Time, by timely printing or advertizing of the same in the Boston Evening Post, or some other publick Print at least two Weeks before said Survey, that so the Proprietors thereof may be present if they see Cause: And that the Survey be done at the Cost of the Petitioner; and that the Committee report their doings to this Court as soon as may be with Convenience: All which is humbly submitted.

Per Order of the Com^tee^ JOHN CHANDLER,

In Council Read &

*Ordered* that this Report be accepted, and that Capt^n^ Nathaniel Dwight with such as the hon^ble^ House shall join be a Comm^ee^ for the Purposes above mentioned

In the House of Repres^ves^ Read and Concurr'd, and Capt^n^ Livermore & Col^o^ Murray are joined in the Affair. [*Passed June 14.*[2]

[1] Final action not found in the House Journal.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 16.

## CHAPTER 63.

ORDER IMPOWERING NATH[L] BALSTONE, ESQ[R], EXECUTOR, TO EXECUTE A DEED.

A Petition of Nathaniel Balstone Esq[r] Executor to Thomas Palmer of Boston Esq[r] & Eliakim Palmer Esq[r] of London dec[d] setting forth that sundry Tracts of Land were made over by Benning Wentworth Esq[r] to Richard Brown of Newbury for Security of sundry Debts due to said Eliakim as Factor to the said Thomas, and to the said Richard, that the said Thomas after the Death of the said Richard obtained Judgment in behalf of the said Eliakim for the Debts aforesaid, and levied his Execution on the said Tracts of Land, that the said Richard devised the Improvement of one half of his Real Estate to his Wife Mary during Life, the Reversion to Anthony Brown, which he afterwards conveyed to Daniel Marquand who married the said Mary; and it being the Design of the said Richard & Thomas that the said Land should be disposed of for the Payment of their Debts; but that being frustrated by their Deaths, therefore Praying that the Petitioner may be enabled to dispose of a Share of said Lands proportionably to the Sum due to the said Richard for the Use of the said Mary Marquand, and the Reversion to the said Daniel & his Heirs.

Legislative Records of the Council, xx., 484. Mass. Archives, xix., 297.

Mass. Archives, xix., 294–298. House Journal, pp. 49, 50, 76, 87.

Read and

*Ordered* That the Prayer of this Pet[n] be so far granted as that the Pet[r] in his Capacity of Executor as mentioned be and hereby is impowered to make and Execute a good and Sufficient Deed of Conveyance in Law to the withinmentioned Mary Marquand during her Life & the Reversion to the within mentioned Daniel Marquand & his Heirs, of so much of the whole Estate & Interest within mentioned as shall be in proportion to the debt due to Richard Brown withinmentioned being One hundred seventy six pounds six shillings and three pence compared with the debt due to Thomas Palmer Esq withinmentioned being One hundred and fourteen pounds nine shillings & two pence. [*Passed June 16.*

## CHAPTER 64.

ORDER ON THE PET[N] OF THE GUARD[NS] OF THE MARTHA'S VINEYARD INDIANS.

A Memorial of Mess[rs] Payne Mayhew, William Hunt & John Sumner Guardians of the Martha's Vinyard Indians; for explaining the Accompts of their Guardianship exhibited to this Court, obviating any Exceptions against them.

Legislative Records of the Council, xx., 485. Mass. Archives, xxxii., 599.

Read together with the Acco[ts] exhibited by the Guardians of the Indians of Martha's-Vineyard & the other Papers; And whereas the Vouchers for the said Acco[ts] are very imperfect; Therefore

Mass. Archives, xxxii., 597–601. House Journal, pp. 40, 81. *Ante*, p. 154, chap. 360.

*Ordered* that the following Sums be deducted from the same Viz[t]

| | | | |
|---|---|---|---|
| For an Over charge on their Time . . . . . | £113. | 5. | 0 |
| the Comiss[ns] at 2½ ℔ C[t] . . . . . | 53. | 2. | 6 |
| the Coming to Gen[l] Court to answer y[e] Ind[ns] Compl[t] ag[st] y[m] . . . | 22. | 10. | |
| for A Vendue Master . . . . . | 20. | 0. | 0 |
| For an Omission of Cred[t] to y[e] Ind[ns] in their Acc[o] 1748. . . . . | 2. | 0. | 0 |

Amounting to £210.17.6 which being deducted from the Ball[a] of their acc[o] as exhibited of £235.15.9. leaves a Ballance of £24.18.3 Old Ten[r] equal to three pounds six Shillings and five pence three farthings lawfull Money in the said Guardians favour. [*Passed June 16.*

## CHAPTER 65.

ORDER IMPOWERING BENJ[A] TRAY, INDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 485. Mass. Archives, lxxiv., 383.

A PETITION of Benjamin Tray of Natick, Indian, Praying for Liberty to sell Twenty five Acres of his unimproved Land for the Payment of his Debts contracted by the Maintenance of his Aged Parents, and also for enabling him to repair his dwelling House gone to Decay by Means of his Absence in the War.

Mass. Archives, lxxiv., 383. House Journal, p. 84. *Ante*, p. 110, chap. 256.

Read and

*Ordered*, That the prayer of this Petition, be so far granted as that the Pet[r] with the advice & under the Directions of the Guardians of the Natick Indians, be and hereby is impowered to make Sale of twenty five Acres of his unimproved Lands for the most the same will fetch (Seasonable public Notice of the time & place of Sale being first given) in order to provide him a suitable Dwelling house; the remainder of the Proceeds thereof to be applied by Said Guardians for the payment of his Just Debts, and for the Pet[r]'s comfortable support: The said Guardians to be accountable for their proceedings herein. [*Passed June 16.*

## CHAPTER 66.

RESOLVE ACCEPTING REPORT OF COMMITTEE IN REGARD TO PROV[CE] LANDS LYING WESTWARD.

Legislative Records of the Council, xx., 486. Mass. Archives, xxxii., 635.

REPORT OF A COMMITTEE of the House referring to Province Lands lying Westward,

Mass. Archives, xxxii., 633. Legislative Records of the Council, xx., 281. House Journal, pp. 13, 23, 24 (June, 1754); pp. 81, 82. *Ante*, p. 177, chap. 21; p. 314, chap. 365.

The Committee to whom the aforesaid Matters were referred, having inquired into the same, report that a Vote passed the General Court in June last, directing the Gentlemen appointed Commissioners to treat with the Government of New York Commissioners respecting the Boundary Line of the Governments, to enquire into any Indian Claim or Claims to any Land, lying West of Connecticut River within this Province, and to endeavour to quiet them as to said Claims to any Land, lying West of Connecticut River, within this Province, and to endeavour to quiet them as to said Claims,[1] & to report to said Court at their next Sessions; And that Samuel Welles Esq[r] one of those Gentlemen informed this Committee that the said Commissioners met with the Stockbridge Indians at Sheffield, and upon Examination found that sundry Persons, both English & Dutch had been endeavouring to purchase the Lands they claimed, and had made them large Offers, by Reason of which the said Indians were induced to make larger Demands for their Lands than the Commissioners judged reasonable to give them; yet the said Commissioners apprehending it much for the Interest of the Gov-

[1] The words "to any Land . . . as to said Claims" are underlined in the original.

ernment that the said Indians should be quieted, & the Land purchased by the Government, and also many Inconveniences thereby prevented; the said Committee thereupon employed Mr Timothy Woodbridge to transact said Affair & allow'd him to give £1,200 Lawful Money for the sand Lands; And the said Mr Welles further informed the Committee that sometime after his Return Mr Woodbridge informed him he had agreed with said Indians for their Lands West of Connecticut River, that they had not before sold, and was to give them £1,000 New York Currency, and had promis'd to pay them towards it Five hundred Dollars immediately, desiring they might be sent to him as soon as possible; That the Governour not being at Boston at that Time nor a Quorum of the Council to be obtained, he together with Mr Secretary Willard went to the Treasurer, & obtained the aforesaid Number of Dollars and gave their Receipt therefor and sent them to Colo Worthington for the Purpose aforesaid, Of all which he informed the Court at their Sessions in October last, which was approved of by the said Court: The Committee have been further inform'd that the said Dollars have since been taken out of Colo Worthington's hands & employed to enlist Men for the Crown Point Expedition.

This Committee find by a Vote pass'd by the General Court in April last, Joseph Dwight, John Choat & Joseph Hawley Esqrs were appointed a Committee to lay out two Townships at Taconnet or near there, and to make Sale thereof; this Committee are informed by Colo Choat that they had proceeded to lay out said Townships, and dispose of several Tracts of Land at the Place aforesaid, and that whilst they were transacting the said Affair, the begining of May last, some of the Stockbridge Indians came to them at Sheffield, & complained of their Proceedings and said it was not friendly in the Government to dispose of their Lands and not pay them for the same, and that the Indians discovered much Uneasiness, and as Messrs Dwight & Hawley were pursuing said Business many Difficulties would probably arise unless the Indians were quieted in their Claims.

This Committee therefore beg Leave to report as their Opinion that the aforesd Committee Joseph Dwight Esqr and others or the major part of them be impowered & directed to perfect & compleat the Bargain made by Mr Woodbridge with the Indians for the Lands aforesaid, and that Five hundred Dollars be put into the hands of the said Committee for the Purpose aforesaid, they to be accountable to this Court & to engage in behalf of the Government the Payment of the remaining part of said Sum of One Thousand Pounds New York Currency to the Owners of said Land within a reasonable time.

(Signed) Israel Williams per Order.

*Resolved* that the afore written Report be accepted with the following amendmt Viz That when Any Grant shall be made of the said Lands, such Persons to whom the Grant shall be made shall pay such part and proportion of the aforesaid Sum as this Court shall Order. [*Passed June 16.*

## CHAPTER 67.

RESOLVE DESIRING THE CAPT GENL TO ENLIST MEN FROM COLRAIN.

Legislative Records of the Council, xx., 487. Mass. Archives, cxvii., 33.

A PETITION of the Inhabitants of Colrain setting forth their exposed State in respect to the Indian Enemy, that there is danger of many of their Inhabitants being driven from their Settlements, Praying that at least some of their Inhabitants most necessitous among them may be put into the pay of the Province.

Mass. Archives, cxvii., 32. House Journal, pp. 65, 80, 81. *Ante*, p. 343, chap. 41.

Read, and Whereas there is an Establishmt for twenty four men at Colerain part of which must be inlisted or impressed in the place of those who are inlisted from thence into the Crown-Point Expedition; And it being represented by the agent for Colerain that there are six or eight Able Bodied Effective men, who have no real Estate there, And are willing to engage in the service of the Government: Therefore

*Resolved* That his Excellency the Captt General be desired to give Orders that the said Men (if able Bodied & effective) be entered upon the List for said Colerain as part of the Men Ordered for that service. [*Passed June 16.*

## CHAPTER 68.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE FOR ENCOURAGING THE ENLISTMENT OF VOLUNTEERS.

Legislative Records of the Council, xx., 488. Mass. Archives, cix., 125.

THE COMMITTEE upon his Excellencies Message of the 12th Instant, respecting the Eastern Frontiers beg Leave to report in part, that they are humbly of Opinion, that for the Encouragement of Voluntiers to inlist and form themselves into Companies to penetrate into the Indians Country, in order to captivate & kill the Indians of any of the Tribes this Government hath declared War against; that Thirty days Provision shall be given to every and all the Companies raised as aforesaid, Provided that none of the said Companies shall consist of less than thirty men, and that the said Companies shall be held to perform a constant Scout of at least Thirty days upon every March unless some special Reason for the good of the Service shall appear for their returning in, in a less time; and that the Officers of each Company shall be also held to keep a Journal of each of their Marches or Scouts, and exhibit them in Course under Oath to the Captain General. And that for every Captive taken by the said Companies or by any Party or Detachment of any of the Companies which shall be brought into Boston & delivered up to the Government shall be paid out of the publick Treasury to the said Company, Party or Detachment, or their Attorney, the Sum of Two hundred & twenty Pounds, and for every Scalp that shall be brought in & produced as aforesaid the Sum of Two hundred Pounds; and that his Excellency the Captain General be desired to grant Commissions to such Person & Persons as shall appear and offer to raise a Company or Companies for said Service, provided he shall judge them qualified for the Purpose.

Mass. Archives, cix., 123. Legislative Records of the Council, xx., 475 *bis*. House Journal, pp. 69, 87, 88. *Ante*, p. 349, chap. 53.

And that his Excellency be also desired by Proclamation, to give

the Encouragement of the Sum of One hundred & ten Pounds for every Captive, and one hundred Pounds for every Scalp, including the Bounty or Encouragement given to private Persons not in the pay or Subsistence of this Government, in the Vote of the Court pass'd the 14 Instant relating to Scalps & Captives that shall be taken & brought in as aforesaid, by any such Private Person or Persons, who may on any Emergency or otherwise, either Captivate or kill any of the said Tribes of Indians. All which is humbly submitted, Per Order John Hill.

Read and

*Ordered* That this report be accepted. [*Passed June 16.*

## CHAPTER 69.

VOTE IN REGARD TO ENQUIRING INTO THE COMPLAINTS OF THE INDIANS OF NANTUCKET AND INCREASING THE COMMITTEE APPOINTED THEREFOR.

In Council

*Voted* that Andrew Oliver Esq^r^ with such as the Hon^ble^ House shall join be added to the Committee appointed in October last to inquire into the Complaints of the Indians at Nantucket, any three of which to be a Quorum

In the House of Rep^s^

Read and Concurred; and M^r^ Speaker is joined in the affair: the charge of said Committee to be born as this Court shall hear after Order.

In Council Read & Concur'd. [*Passed June 17.*

Legislative Records of the Council, xx., 489. Mass. Archives, xxxii., 639, 640.

Mass. Archives, xxxii., 632–640. Legislative Records of the Council, xx., 272. House Journal, pp. 52, 58 (October, 1754); pp. 83, 90.

## CHAPTER 70.

ORDER AND VOTE IMPOWERING MOODEY RUSSELL TO ENTER AN APPEAL FROM A SENTENCE.

On the Petition of Moodey Russell, [*ante*, p. 292, chap. 314] Read and

*Ordered* that this Petition be revived and

*Voted* that the prayer of this petition be granted & that the petitioner have liberty to prosecute s^d^ appeal from s^d^ sentence to the next Superiour court of Judicature court of assise & General Goal delivery to be holden at Barnstable in & for s^d^ County of Barnstable on the fourth tuesday of July next to enter s^d^ Action at s^d^ Court & the Justices thereof are hereby & [1] directed & impowred then & there to hear s^d^ appeal determine & give judgment upon the same & award execution thereon to all intents & purposes whatsoever as fully as if the same had been made to s^d^ Court of Assise from any sentence of the Court of General Sessions of the Peace holden at s^d^ Barnstable since the sitting of the s^d^ Court of Assise since there last term there Provided the Petitioner enter into recognisance seven days at least before the sitting of s^d^ Court before two Justices of the Peace of s^d^ County (Quorum unus) with sufficient sureties to abide the Judgment & to prosecute s^d^ appeal to effect

Legislative Records of the Council, xx., 490. Mass. Archives, xliv., 169.

House Journal, p. 91. *Ante*, p. 292, chap. 314.

[1] *Sic.*

Provided also the Petitioner afores[d] also serve the s[d] David with a copy of this order seven days at least before the sitting of the same Court. [*Passed June 17.*[1]

## CHAPTER 71.

ORDER ON THE PETITION OF ISAAC FREEMAN IN REGARD TO PAYMENT FOR SHIP "MASSACHUSETTS FRIGATE."

Legislative Records of the Council, xx., 489. Mass. Archives, lxv., 88.

Mass. Archives, lxv., 87. House Journal, pp. 40, 41, 76, 94.

A PETITION of Isaac Freeman of Marblehead, shewing that he & Edmund Quincy Esq[r] were bound as Sureties for William Fletcher's paying of the Purchase Money for the Ship Massachusetts Frigate which the said Fletcher bought of the Province, that the said Fletcher and Quincy failing, the Province Treasurer has attached the Petitioner for the Payment of what remains due of the principal Sum with Interest, and for as much as the Petitioner has none of the said Fletchers Effects in his Hands, therefore praying that he may be discharged upon his present Payment of the Principal.

Read, And

*Ordered*, That upon the Petitioners paying to the Treasurer of this Province the whole principal Sum due for the Ship Massachusetts Frigate before the time of Entry of the Action referred to the s[d] Treasurer be directed not to enter the same and that the s[d] Bond be no further pursued against said Freeman. [*Passed June 18.*[2]

## CHAPTER 72.

Legislative Records of the Council, xx., 490. Mass. Archives, cxx., 57[a].

House Journal, p. 92.

ORDER DIRECTING THE PROVINCE TREASURER TO ISSUE EXECUTIONS AGAINST FARMERS OF EXCISE.

*Ordered* that the Treasurer be directed to send forth his Execution against such of the Farmers of Excise as shall not pay in the Sums respectively due from them on or before the first day of July next. [*Passed June 18.*

## CHAPTER 73.

ORDER ON THE MESSAGE OF THE GOVERNOR IN REGARD TO SENDING ARMS & POWDER FOR THE INTENDED EXPEDITION AGAINST CROWN POINT.

Legislative Records of the Council, xx., 492. Mass. Archives, cix., 137.

Mass. Archives, cix., 136. Legisla-

THE SECRETARY delivered the following Message from his Excellency.

Gentlemen of the Council & House of Representatives,

I now lay before you a Letter I sent to the Committee of War, upon the Subject of Gun Powder & Small Arms necessary to be provided for the Expedition to Crown Point; the said Committee,

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 18.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 17.

after the Consideration thereof, judged my Advice therein necessary to be complied with, but doubted of their Power without the further Order of this Court; For the Particulars of this Matter and the Grounds of my Sentiments therein I must refer you to the Letter, and I doubt not but upon duly weighing the Matter you will give immediate Orders to the Committee of War agreable thereto: the Success of the Expedition to Crown Point greatly depends upon it.

Read and

*Ordered*, That it be left to the Committee of War to provide and send such a Quantity of Powder and small Arms for the intended Expedition to Crown Point as they shall judge necessary. [*Passed June 18.*

tive Records of the Council, xx., 485. House Journal, p. 94. *Ante*, p. 294, chap. 321; p. 296, chap. 325.

## CHAPTER 74.

ORDER APPOINTING COMMITTEE TO PREPARE INSTRUCTNS FOR JOHN SHARPE, ESQR, AGENT.

In Council

*Ordered* that Andrew Oliver and Thos Hutchinson Esqrs with such as the honble House shall appoint, be a Committee to prepare Instructions for John Sharpe Esqr chosen Agent for this Province, to be signed by the Secretary, and transmitted to Mr Sharpe by the first Opportunity

In the House of Reps

Read and Concurred, And Mr Speaker Mr Tyng & James Bowdoin Esqr are joined in the Affair. [*Passed June 19.*

Legislative Records of the Council, xx., 494. Mass. Archives, xxi., 303.

House Journal, p. 97. *Ante*, p. 346, chap. 44.

## CHAPTER 75.

ORDER DIRECTING THE SECRY TO NOTIFY JOHN SHARPE, ESQR, THAT HE IS CHOSEN THE PROVINCE AGENT IN GREAT BRITAIN.

*Ordered* that the Secretary write to John Sharpe Esqr in the Name of this Court acquainting him with the Choice the Court have made of him to be the Agent of this Province in Great Britain, & desiring that he would take that Trust upon him. [*Passed June 19.*

Legislative Records of the Council, xx., 494. Mass. Archives, xxi., 301.

Mass. Archives, xxi., 304. House Journal, p. 98. *Ante*, p. 346, chap. 44.

## CHAPTER 76.

ORDER THAT THE SECRY WRITE TO GIVE THANKS TO MR AGENT BOLLAN.

*Ordered* that the Secretary write to William Bollan Esqr giving him the Thanks of this Court for his past good Services, & acquainting him that in Compliance with his Request, and in Consideration of his ill State of health, they have accepted of his Resignation, and the Court have made Choice of another Gentleman in his Stead to be Agent of this Province in Great Britain. [*Passed June 19.*

Legislative Records of the Council, xx., 494.

Mass. Archives, xxi., 298. Legislative Records of the Council, xx., 473. House Journal, p. 97. *Ante*, p. 346, chap. 44.

## CHAPTER 77.

ORDER ALLOWING £10 TO ELIZ^A BROWN.

Legislative Records of the Council, xx., 494.

Mass. Archives, cv., 525. House Journal, pp. 89, 90, 100, 101.

A PETITION of Elizabeth Browne, praying for some Relief from this Court, in Consideration of her Sufferings from the Indian Enemy by the Death & Captivity of divers of her Family, & Loss of her Substance.

Read &

*Ordered* that the Sum of Ten Pounds be allowed & paid out of the publick Treasury of the Province for the Support of the Petitioner, and to enable her to return to her native Country; And that the said Sum be paid into the hands of John Erving Esq^r. [*Passed June 19.*

## CHAPTER 78.

ORDER ALLOWING £21. 18. 8 TO JOS. BALLARD.

Legislative Records of the Council, xx., 494. Mass. Archives, xlix., 424.

Mass. Archives, xlix., 423. Legislative Records of the Council, xx., 451. House Journal, pp. 96, 97.

AN ACCOMPT presented by Joseph Ballard of the Charge of a Dinner by him provided for the Entertainment of the House of Representatives, upon the Day of Election of Councellors, amounting to the Sum of £21.18.8.

Read and

*Ordered* That this Acc^t be allowed, & that the Sum̃ of Twenty One Pounds eighteen Shillings and eight pence be paid out of the public Treasury to the s^d Joseph Ballard, in full Discharge of the same. [*Passed June 19.*

## CHAPTER 79.

ORDER IMPOWERING POWERS MARRIOT, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 495. Mass. Archives, xix., 304.

Mass. Archives, xix., 303. House Journal, pp. 91, 92, 98, 99.

A PETITION of Powers Mariot Guardian of Elizabeth Furnass a Minor, shewing that she is interested in Common with others in a House & Land in Boston, that the House is much out of Repair, and the other Owners desirous of selling their part of the Estate, praying that as Guardian he may be enabled to join therein.

Read and

*Ordered* That the Prayer of this Pet^n be granted, and that the Petitioner in his said Capacity be & hereby is fully Authorized & impowered to make Sale of the said Minors third part of the Dwelling house and Land therein Mentioned, for the Most it will fetch, and to execute a Good Deed or Deeds for Conveyance of the Same in Law, to the purchaser, The Pet^r first giving Security to the Judge of Probate for the County of Suffolk that the Moneys arising by the sale thereof shall be put out at Interest on good Security for the Benefitt of said Minor, and the Interest thereof applied for her Maintenance during her Minority, and that upon Settlement of his Accounts with the Judge of Probate, he shall pay the prin-

cipal Sum̄, and the Interest remaining in his hands to the said Minor when she arrives to age or is Married or to her heirs. [*Passed June 19.*

## CHAPTER 80.

ORDER IMPOWERING THE COMTEE OF WAR TO PURCHASE POWDER.

Legislative Records of the Council, xx., 496. Mass. Archives, lxxiv., 466.

*Ordered* That the Committee of War be directed and impowered to purchase and replace in the Magazines of the Province Such a Quantity of Gun Powder as shall make up in the whole the Quantity of Seven hundred barls in the several Magazines of the Province in stead of those the said Comtee have liberty to take out.[1] [*Passed June 20.*

Legislative Records of the Council, xx., 485. *Ante*, p. 296, chap. 325; p. 348, chap. 52.

## CHAPTER 81.

ORDER ALLOWING £15 TO JNO RUDDOCK INCLUDING £6. 13. 4 ALREADY PAID HIM.

Legislative Records of the Council, xx., 497. Mass. Archives, lxxiv., 446.

A Petition of John Ruddock of Boston, Praying that he may be allowed for a House which he built on Castle Island, at his own Cost, and which has been used by the Government for quartering of Soldiers:

Read and

Mass. Archives, lxxiv., 445. House Journal, pp. 100, 101, 103. *Ante*, p. 74, chap. 167.

*Ordered*, That the Sum of Fifteen Pounds including the Six Pounds thirteen Shillings and four pence formerly granted be allowed and paid to The Petitioner out of the Province Treasury in full Consideration for said House. [*Passed June 20.*

## CHAPTER 82.

VOTE CHOOSING A COMMISSR OF IMPOST.

Legislative Records of the Council, xx., 499. Mass. Archives, lxv., 108.

This day being appointed for the Choice of a Commissioner of the Impost for the Year ensuing Daniel Russell Esqr was unanimously Chosen by the Council and Representatives. [*Passed June 21.*

House Journal, p. 105 *bis*.

## CHAPTER 83.

ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative Records of the Council, xx., 499.

*Ordered* that all Matters that had Day at this Sitting of the Court, which have not or shall not be pass'd upon before the Court rise, be referred over & have the same Day at the next Sitting of the Court. [*Passed June 21.*

House Journal, p. 104.

[1] Not found in the House Journal.

## CHAPTER 84.

ORDER LAYING AN EMBARGO ON ALL VESSELS WITH PROVISIONS AND WARLIKE STORES.

Legislative Records of the Council, xx., 499. Mass. Archives, lxv., 109.

Legislative Records of the Council, xx., 492 *bis*, 494, 499. House Journal, p. 107. Province Laws, iii., 866, chap. 7; 945, note.

*Ordered* That an Embargo be laid on all Vessels that have any Provisions or Warlike Stores on board except what may be necessary for their respective Voyages till Wednesday next. [*Passed June 21.*

## CHAPTER 85.

ORDER ALLOWING £318 TO SELECT MEN OF BOSTON.

Legislative Records of the Council, xx., 499. Mass. Archives, lxxiv., 424.

Legislative Records of the Council, xx., 275. Mass. Archives, lxxiv., 423. House Journal, pp. 99, 100, 106.

A PETITION of the Select Men of the Town of Boston, setting forth that of the Fire Arms belonging to the said Town w^ch^ were taken up for the late Expedition to Kennebeck River, One hundred & fifty were never returned into the Town Stock, Praying that the apprized Value thereof being £318 be allowed & paid out of .the publick Treasury for the Use of the said Town of Boston,

Read and

*Ordered* That the prayer of this Memorial be granted and that the Sum of three hundred & Eighteen [1] Pounds be allowed & paid out of the Public Treasury to the Select Men of the Town of Boston for the use of said Town, in Consideration of one hundred and fifty nine Fire Arms &c belonging to said Town which have been made use of by the Com^tee^ of War for the Expedition to Crown Point. [*Passed June 21.*

## CHAPTER 86.

ORDER ADJOURNING THE COURTS OF THE COUNTY OF DUKES COUNTY.

Legislative Records of the Council, xx., 501. Mass. Archives, xliv., 180.

Mass. Archives, xliv., 182. House Journal, pp. 110, 111. Province Laws, iii., 64, chap. 32.

WHEREAS at the time when the Court of Gen^l^ Sessions of the Peace & Inferiour Court of Common Pleas, were to have been holden at Edgartown within & for the County of Dukes County, on the first Tuesday of March last, there was a severe Storm of Snow, so that the Justices of the s^d^ Court, & Parties concerned, could not travel to & attend said Courts, Whereby all Actions & Processes there depending were discontinued. Therefore

*Ordered* That all Actions, Pleas, Processes, Precepts, Recognizances, & other Matters whatever that had day in either of the said Courts, on the first Tuesday in March last, are hereby continued to the said Courts respectively by Law, to be holden at Edgartown within & for the County of Dukes County on the last Tuesday in October next, and may be then & there heard & tried; And the Justices of the said Courts respectively are hereby accordingly impowered to hear & determine all such Actions & Causes, and award Execution as fully to all Intents & Purposes, as they might have done if said Actions Pleas & Processes, had come before them at either of the said Courts, on the first Tuesday of March last, & the

[1] The House Journal, reads, £314.

said Courts had been opened to have heard & tried the same Saving that if any Party concerned as Defendant (or other wise) in any of the said Actions, is now out of the Province, or shall not in the Judgm^t of either of the said Courts, have had timely Notice of this Order, such Court shall continue the Action to their next Term.

And the Sheriff of said County of Dukes County is hereby directed to cause this Order forthwith to be made publick, by posting up the same, in some publick Place in the same County, and to be inserted in some one of the Boston News Papers. [*Passed June 24.*

## CHAPTER 87.

ORDER APPOINTING A COM^TEE FOR BURN^G GOVERNM^T SECURITIES IN THE HANDS OF THE PROVINCE TREASURER.

In the House of Representatives;

*Ordered* that M^r Speaker, Col^o Miller & M^r James Russell with such as the hon^ble Board shall join, be a Committee to repair to the Treasurer's in the Recess of the Court, examine what Government Securities he has in his Hands, and see them consumed to Ashes & report thereon at the next sitting of this Court: In Council; Read & concur'd, And John Osborne & Andrew Oliver Esq^rs are joined in the Affair. [*Passed June 25.*[1]

Legislative Records of the Council, xx., 502.

Mass. Archives, ciii., 353. House Journal, pp. 109, 113.

## CHAPTER 88.

ORDER PROVID^G FOR DEFRAYING INCIDENTAL CHARGES IN THE ARMY FOR THE CROWN POINT EXPEDITION.

*Ordered* That the Committee of War be and hereby are impowered and directed in the recess of the Court to furnish M^r Emerson their Agent at Albany with such Sum̃s of Money as they shall judge may be the proportion of this Province with respect to the Contingent Charges of the Army destined for the Crown point Expedition, and what may be further necessary to engage & secure the Indians of the six Nations that are or may be employed in the service of that Expedition Comparing the Number of Troops in the Pay of this Province with the Forces of the several Colonies engaged in the same Expedition: The said Committee to be Accountable. [*Passed June 25.*

Legislative Records of the Council, xx., 502. Mass. Archives, lxxiv., 473.

Legislative Records of the Council, xx., 501. House Journal, p. 114. *Ante*, p. 296, chap. 325.

## CHAPTER 89.

VOTE PROVID^G FOR PAYMENT OF MONEY ADVANCED FOR INDIANS OF THE SIX NATIONS.

*Voted*, That the Sum̃ of one hundred and fifty five Pounds, eleven shill^s one penny part of the sum of six hundred Pounds Orderd by this Court, the 7^th Current to be paid to the Order of Coll Johnson to be applied by him for engaging the Indians of the six Nations

Legislative Records of the Council, xx., 502. Mass. Archives, xxxii., 643.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 24.

Legislative Records of the Council, xx., 483. House Journal, p. 111. *Ante*, p. 338, chap. 31.

& supporting them & their families during the Continuance of the Expedition to Crown Point, be applied to discharge this Provinces part of Eight hundred pounds Sterl^g^ advanced by General Braddock to Coll: Johnson, for engaging the said Indians in the British Interest. [*Passed June 25.*

## CHAPTER 90.

VOTE FOR INSTRUCTING THE AGENT IN GREAT BRITAIN IN REGARD TO CERTAIN PROVINCE INTERESTS.

Legislative Records of the Council, xx., 504. Mass. Archives, lxxiv., 478.

*Voted* that the following message be sent to the Honourable House of Representatives

The Honourable House having by their Committee the last Evening desired his Excellency to grant a recess to the Members of the Court and his Excellency having been pleased to signify to the Board that it was his intention the Court should rise to day, the Board cannot help expressing their concern that the House should desire to rise before proper provision be made for supplying the Province with a stock of fire arms and Gun powder especially as the money due for the cloathing in England might be applied to that purpose or at least Powder & Arms might be purchased upon the Credit of it. This will probably fall very much short of a necessary supply, but a partial supply is much better than to have the Province left in its present exposed state.

Mass. Archives, lxxiv., 479. House Journal, p. 115. *Ante*, p. 264, chap. 246; p. 346, chap. 44; p. 359, chap. 74.

Read and Thereupon

*Voted* That The Com^tee^ appointed to prepare Instructions to John Sharpe Esq^r^ chosen Agent for this Province Meet as soon as may be, and by the first Opportunity transmit such Instructions as shall appear necessary relative to the Controversy with Connecticut & New York, to the Affair of Fort Dummer And to the Debt for the Cloathing left at Louisbourg, And that the Com^tee^ give directions that in Case the debt for the Cloathing is paid or an Order granted for the paym^t^ thereof, That a sum to the amount of Said Debt be forthwith applied to the purchase of Fire Arms and Gun Powder, viz one third part to the purchasing of fire Arms of the Dimensions heretofore wrote for; the other two thirds to the purchasing of good Cannon Powder; said Fire Arms and Gun Powder to be shipped by the first Opportunity for Boston, Consigned to the Province Treasurer, the Value thereof being first Insured.[1] [*Passed June 26.*

## CHAPTER 91.

Legislative Records of the Council, xx., 504. Mass. Archives, lxxiv., 476.

ORDER IN REGARD TO THE REPAIRS AT Y^E^ WORKS ON GOV^RS^ ISLAND.

House Journal, p. 117. Province Laws, xiv., 507, chap. 252.

*Ordered* That the Com^tee^ appointed on the repairs of Castle William, be directed Also to take Care of the Fortification on Governor's Island, see that the same be put into good Order. [*Passed June 26.*

[1] Not found in the House Journal.

## CHAPTER 92.

VOTE FOR IMPRESSᴳ GUN POWDER.

*Voted*, That his Excellency the Capᵗ General be desired to give Orders for impressing for the use of the Province all the Gun-Powder belonging to Private Gentlemen which is now in the public Magazines, provided the Committee of War cannot agree for the same on reasonable terms.[1] [*Passed June 26.*

Legislative Records of the Council, xx., 504. Mass. Archives, lxxiv., 475.

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## CHAPTER 93.

ORDER FOR ADJOURNᴳ Yᴱ SUPᴿ COURT IN BRISTOL COUNTY.

Whereas the holding his Majᵗʸ'ˢ Supʳ Court of Judicature Court of Assize & Genˡ Goal Delivery at Taunton within & for the County of Bristol on the 2ᵈ Tuesday of July next (wᶜʰ is the time appointed by Law for holding the same) would be inconvenient by reason of a late Order of this Court for holding the sᵈ Supʳ Court of Judʳ &cᵃ at Ipswich within & for the County of Essex on the first Tuesday of the same Month.

Legislative Records of the Council, xx., 504. Mass. Archives, xliv., 183.

House Journal, p. 115. Province Laws, iii., 1071, note.

Therefore

*Ordered* that the said Supʳ Court of Judicature &cᵃ which was by Law to have been held at Taunton within & for the County of Bristol on the second Tuesday of July next shall be held there on the fifth Tuesday, being the twenty ninth day of the said Month; And all Writts & other Process already issued & returnable to said Court at Taunton on the second Tuesday shall be returned on the sᵈ fifth Tuesday; And all Matters whatsoever continued or any ways depending in said Court there, shall continue & be proceeded on by the Justices of the sᵈ Court on the 5ᵗʰ Tuesday aforesaid; And all Officers & other Persons concerned are Required to conform themselves accordingly. [*Passed June 26.*

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## CHAPTER 94.

RESOLVE APPOINTING OFFICERS FOR ENLISTING FIVE HUNDRED MEN WITH BOUNTY PAY AND SUBSISTENCE FOR RE-ENFORCING THE CROWN POINT EXPEDITION.

*Resolved* that His Excellency yᵉ Capᵗ Genˡ be desired to Commission proper officers for raising by Enlistment not exceeding five hundred Men to March to Crown Point to reinforce the army destin'd there, if upon advise from the Army had in the recess of this Court, it shall be adjudg'd by the Commander in Chief for the time being with the advice of the Council That it be necessary The Army should be so reinforc'd.

Legislative Records of the Council, xx., 505. Mass. Archives, lxxiv., 477.

Legislative Records of the Council, xx., 391. House Journal, pp. 115, 116, 117. Province Laws, iii., 946, note. *Ante*,

That each man be paid a Dollar upon his Enlistment and in case of their being actually Engag'd in the service, that they be allowed the same Bounty including the Dollar mentioned pay and subsist-

[1] Not found in the House Journal.

p. 304, chap. 345. *Post*, chap. 97.

ance, as the Forces already destin'd there have; They finding their own good and sufficient Fire arms.

The Pay and Subsistance to Commence from the time of their Marching, and that they be discharg'd as Soon as the Place is reduc'd or the Nature of the Case will admit off, or not exceeding the time the other Forces are enlisted for.

That the Enlisting Officer be allowed half a Dollar for each Man so Enlisted. And that His Excellency the Gov$^{r}$ be desir'd to inform the other Governments of this Resolve. [*Passed June 26.*

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# CHAPTER 95.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE AB$^{T}$ PROVIS$^{O}$ & AMMUNITION FOR THE ARMY.

Legislative Records of the Council, xx., 505.

Legislative Records of the Council, xx., 401, 436, 462, 463, 477. House Journal, p. 36.

THE COMMITTEE appointed to take under Consideration his Excellency's Message of the 6$^{th}$ Instant, have attended the Service so far as to consider that Part which relates to the Extract of the Letter from his Honour the Governour of Connecticut, & humbly report as their Opinion. That the Provisions shipt from Philadelphia were designed for the Common Service of the Army & that it will be most convenient to settle & determine the Proportion to be assigned for each Government, when the Troops shall be at Albany the Place of Rendezvous; That this Province's Part of said Provision if the several Species be duly proportioned together with what has been purchased by the Committee of War may probably be sufficient for the Service of the Expedition; That it seems necessary that all possible Endeavours should be used by each Government to procure a full Proportion of Ammunition, as that is an Article more difficult to be purchased than any other requisite for the Service.

All which is submitted. Per Order JOHN OTIS.

Read &

*Ordered* that this Report be accepted. [*Passed June 26.*

# RESOLVES, ORDERS, VOTES, ETC.

## Passed at the Session begun and held at Boston, on the Sixth Day of August, A.D. 1755.

## CHAPTER 96.

ORDER ALLOWING THE COMMISSARY GENERAL £14 FOR TRANSPORTATION OF HUGH McNEAL.

Legislative Records of the Council, xx., 509. Mass. Archives, xvb., 254.

House Journal, p. 121. *Ante*, p. 65, chap. 149.

*Ordered* That a Sum not exceeding Fourteen Pounds be allowed out of the Public Treasury & put into the Hands of the Commissary General to be laid out at his discretion for providing a Passage and laying in Stores for Transporting Hugh McNeal (now maintained at the Province Charge,) to his Friends in Ireland. [*Passed August 7.*

## CHAPTER 97.

ORDER FOR RAISING 300 RECRUITS FOR THE EXPEDN TO CROWN POINT AND ESTABLISHING THEIR BOUNTY, PAY AND SUBSISTENCE AND FURTHER ORDERED THAT THE 500 MEN PREVIOUSLY ORDERED TO BE ENLISTED RECEIVE THE SAME ENCOURAGEMENT.

Legislative Records of the Council, xx., 509. Mass. Archives, cix., 155.

House Journal, pp. 122, 125. Province Laws, iii., 946, note. *Ante*, p. 365, chap. 94.

*Ordered* That there be forthwith raised Three hundred Men to reinforce the Expedition to Crown Point and that there be paid to each of the said three hundred Men twenty four Shillings by way of bounty upon his enlistment, & twelve shillings more upon his producing sufficient Fire arms at the first Muster: and that the Pay or Wages shall commence at the time of inlisting, and the Subsistence at the time of marching from their place of Dwelling to the place of Rendezvous and that no deduction shall be made out of their Pay for any of the Bounty they so receiue. And that there be allowed three Shillings to the Officer for each of the said three hundred Men inlisted by him. And it is further

*Ordered* that the like Bounty & encouragement be allowed to each of the Five hundred Men to whom this Court in their late Session allowed Six shillings to hold himself in readiness for the Service, including the said Six Shillings. And his Honr the Lieut Govr is desired to give orders for said Men to March in Companies as fast as they are compleated to join the other Forces already gone on the Expedition to Crown Point. And to acquaint the other Governments concerned in this Expedition of these Resolutions & urge them to raise a proportionable number of Men for the said Service. [*Passed August 7.*[1]

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is August 8.

## CHAPTER 98.

ORDER ALLOWING THE ACCOᵀ OF THE TREASᴿ OF WORCESTER COUNTY.

Legislative Records of the Council, xx., 510. Mass. Archives, ccxlviii., 168.

House Journal, pp. 13, 31, 125, 126.

AN ACCOMPT presented by Mʳ Gardner Chandler, Treasurer of the County of Worcester for the last Year, having been by him laid before the Court of General Sessions of the Peace for the said County, and by them allowed,

Read &

*Ordered* That this Accoᵗ be allowed, and that the Sum of Eighty Six Pounds Nineteen Shillings & three pence one farthing, the said Treasurer be Accountable to sᵈ County for: And that he be Accountable for the Sum of Twenty one Pounds Nineteen shillˢ & four pence New Tenor, outstanding of the Woodstock Taxes granted in the years 1748 & 1749: and the Sum of Nine pounds fifteen Shillings & eight pence Lawfull Money for the year 1750; & six Pounds thirteen Shillings & five pence for the year 1751, and six pounds thirteen Shillings & five pence for the year 1752, the said Treasurer be further Accountable to said County for. [*Passed August 8.*

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## CHAPTER 99.

ORDER IMPOWERING JOHN BOND AND JOHN BOND, JR, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 510. Mass. Archives, xix., 311.

Mass. Archives, xix., 310. House Journal, pp. 122, 125. Province Laws, ii., 151, chap. 10.

A PETITION of John Bond & others for themselves & the other Heirs of Ezra King late of Brimfield decᵈ shewing that by the Death of Adonijah King a Minor one of the Heirs of the said Ezra, his part of the said Estate which falls to the said Heirs, must if divided among the Heirs be cut into very small Parts, therefore Praying that some of the Petitioners may be impowered to sell their Interest in Thirty one Acres of Land mentioned in the Petition, and the Money arising thereon, after the Charges of the Funeral of the said Adonijah, be distributed among the rest of the Heirs.

Read and

*Ordered*, That the Prayer of this Petⁿ be granted, and that John Bond & Jnº Bond junʳ be and hereby are Authorized & impowered to Sell the thirty One Acres therein Mentioned for the most the same will fetch, & make & Execute a Good Deed of Sale in Law for the same; they giving sufficient Caution to the Judge of Probate for the County of Worcester, that the money arising by the Sale thereof be distributed among the Heirs or legal representatives of Adonijah King decᵈ according to the Law of this Province relating to the Distribution of Intestate Estates, as they shall respectively come of Age, together with the Interest that shall become due thereon; yᵉ funeral Charges of the sᵈ Adonijah, and the charge of Selling yᵉ sᵈ Land being first deducted. [*Passed August 8.*

## CHAPTER 100.

ORDER TRANSFERRING £1,000 FROM APPROPRIATIONS FOR FORTS AND GARRISONS AND £1,000 FROM THE APPROPRIATION FOR THE COMMISSARY GEN$^{L}$., TO THE APPROPRIATION FOR THE CROWN POINT EXPEDITION.

Legislative Records of the Council, xx., 511.

House Journal, p. 126. Province Laws, iii., 861, chap. 4.

*Ordered* that there be a Transfer from the Appropriation for Forts & Garrisons of One Thousand Pounds, and also a Transfer from the Appropriation for Commissarys Disbursements &c$^{a}$ of One Thousand Pounds to the Appropriation for the Crown Point Expedition. [*Passed August 8.*

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## CHAPTER 101.

ORDER ALLOWING THE ACC$^{O}$ OF THE TREAS$^{R}$ OF YORK COUNTY.

Legislative Records of the Council, xx., 511. Mass. Archives, ccxlviii., 163.

An Accompt presented by [Jeremiah Moulton,] [1] Treasurer of the County of York, for the last Year, having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Read and

Mass. Archives, ccxlviii., 163. House Journal, pp. 13, 31, 126.

*Ordered* That this Account be allowed; and that the Balance thereof being twelve pounds, fourteen Shillings & four pence the said Treasurer be further Accountable to said County for. [*Passed August 8.*

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## CHAPTER 102.

ORDER IMPOWERING ESTHER DAVIS, ADM$^{X}$, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xx., 511. Mass. Archives, xix., 309.

A Petition of Esther Davis Widow of Ebenezer Davis late of Acton dec$^{d}$ And Administratrix of his Estate shewing that in his Lifetime he built a new House upon his Land but left it unfinished, and a considerable Debt on his Estate, & therefore Praying for Liberty to sell an old House & Barn, belonging to said Estate, for finishing the said new House & Payment of said Debts.

Mass. Archives, xix., 308. House Journal, pp. 127, 129.

Read and

*Ordered* That the Prayer of this Petition be granted, And that the Pet$^{r}$ in her said Capacity of Admin$^{x}$ be and hereby is impowered to sell the Old House and Barn Mentioned for the most the same will fetch, the proceeds thereof to be applied by her towards paying the Debts of the Dec$^{d}$ & finishing the new house mentioned, She to be accountable to the Judge of Probate for the County of Middlesex for the overplus if any there be. [*Passed August 9.*

[1] Inserted from Mass. Archives, ccxlviii., 163.

## CHAPTER 103.

ORDER DESIRING THE LIEUT GOVERNOR TO ASSIGN JN° FLETCHER TO GARRISON DUTY ON THE WESTERN FRONTIERS.

Legislative Records of the Council, xx., 512. Mass. Archives, lxxiv., 489.

Mass. Archives, lxxiv., 489. House Journal, pp. 126, 127, 128.

A PETITION of John Fletcher of Billerica, shewing that he enlisted into the Service of the Expedition against Crown Point, but was hindred from proceeding therein by Sickness, and being now so far recovered as to be able to perform the Duty of a Garrison Soldier, praying that he may be placed in one of the Forts, & allowed his Pay from his first Enlistment.

Read and

*Ordered*, That the Prayer of this Petition be granted, & that his Honour the Lieu^t^ Governor be desired to place the Pet^r^ in One of his Majesty's Garrisons on the Western Frontier of the Province to supply such Vacancy as may be made by reason of any person's inlisting into the Crown-Point Expedition; and that he be allowed pay and Subsistence from the time of his inlistment into the Crown point Expedition. [*Passed August 9.*

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## CHAPTER 104.

VOTE REFERRING TO THE ACT IN REGARD TO SCOUTS, SCALPS AND GARRISONS.

Legislative Records of the Council, xx., 513. Mass. Archives, lxxiv., 493.

House Journal, pp. 130, 134. *Ante*, p. 343, chap. 41.

WHEREAS It is provided in the Scalp Act of this Government, That Every Company of Voluntiers shall be Obliged As often as they March to be out at least thirty days, & to carry with them provisions for the whole time, which now Appears to the House to be inconvenient.

Therefore

*Voted* that the Said Companys shall not be held to exceed the Number of Twenty days from the time of their going out to the time of their return, nor to carry more than 20 days provisions with them On Each March

And whereas in the Aforesaid Act, The Commissary General is directed to deliver out to the s^d^ Companys provisions for One March only; and no Company is to consist of less than thirty men which is also Apprehended to be inconvenient, Therefore

*Voted* that the Commissary General may; & he hereby is directed to deliver out to Each Company the like quantity of provisions for Every march they are respectively to perform as afores^d^ And that the Number of Twenty five men, shall henceforward be deemed a Company. [*Passed August 12.*

## CHAPTER 105.

ORDER ACCEPTING REPORT ON PETN OF JOSHUA WINSLOW, ESQR, AND IMPOWERING HIM TO EXPORT PROVISIONS TO SURINAM.

A Petition of Joshua Winslow Esqr of Boston Mercht Praying that a Vessel belonging to him bound for Surinam, Duncan Ingraham Master, may be permitted to proceed thither, upon his giving Bond at the Impost Office.

Legislative Records of the Council, xx., 513. Mass. Archives, lxv., 121.

The Committee to whom was referred the above Petition beg Leave to report that they are humbly of Opinion that the Prayer thereof be granted, & that the Commissioner of Impost be & hereby is impowered to take Bond of One Thousand Pounds Sterling of the Petitioner for the Landing the Provisions mentioned in the Petition, within the Port of Surinam; provided the Quantity exceed not Eighty Barrells; and that the Chief Officer of said Vessel on his Return make Oath that the said Provisions were actually Landed within the Port aforesaid, All which is humbly submitted

Per Samuel Watts per Order,

Mass. Archives, lxv., 120. House Journal, pp. 128, 129, 131. Province Laws, iii., 866, chap. 7; 945, note.

Read and

*Ordered* that the Report be Accepted. [*Passed August 12.*

## CHAPTER 106.

VOTE FOR DELIVG GUN POWDER TO CAPT. JOHN WYNN.

Legislative Records of the Council, xx., 513.

*Voted* that His Honour the Lieutenant Governour & Commander in Chief be desired to give Orders that half a Barrell of Powder be delivered out of the Province Stock to Capt. Wynn, bound out with a Party of Men on the Scalping Act against the Enemy, he giving Security to the Commissary General for replacing the same in the Province Magazine, within three Months. [*Passed August 12.*

Mass. Archives, lxxiv., 491. House Journal, pp. 129, 132. *Ante*, p. 343, chap. 41.

## CHAPTER 107.

VOTE DESIRING THE LEUTT GOVERNOR TO APPOINT A FAST.

*Voted* that his Honour ye Leivtt Governour with ye advice of his majesties Councell be Desired to Issue a Proclamation for a day of solemn fasting and Prayer to be observed through[ou]t this Province to Humble ourselves before God Under a sense of our manifold Transgresions, which have Provoked a Righteous God to frown upon us and Earnestly to seek the Divine Presence and Blessing with the Forces Gone and going forth against our Enemies & that all servile Labour & Recreations be forbidden on said day.[1] [*Passed August 12.*

Legislative Records of the Council, xx., 513. Mass. Archives, xiii., 671.

Mass. Archives, xiii., 677. House Journal, p. 132. Love's Fast and Thanksgiving Days of New England, p. 497.

[1] The fast was appointed for August 28, 1755, and was public.

## CHAPTER 108.

VOTE APPOINTING A COMTEE FOR FARMG THE EXCISE ON TEA COFFEE & CHINA WARE IN SUFFOLK COUNTY.

Legislative Records of the Council, xx., 514. Mass. Archives, cxx., 59(1).

House Journal, p. 137. Province Laws, iii., 817, note.

In the House of Representatives

*Voted*, That Jeremy Gridley and Samuel Miller Esqrs with such as the Honble Board shall join, be a Comtee to Farm out the Excise on Tea, Coffee and China Ware, for the County of Suffolk.

In Council

Read and Concured and Saml Watts Esqr is join'd in the Affair. [*Passed August 13.*

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## CHAPTER 109.

VOTE APPOINTING A COMTEE FOR FARMG THE EXCISE ON TEA COFFEE & CHINA WARE IN ESSEX COUNTY.

Legislative Records of the Council, xx., 514.

House Journal, p. 137. Province Laws, iii., 817, note.

In the House of Representatives;

*Voted* that John Leach & Daniel Epes junr Esqrs with such as the honble Board shall join, be a Committee to farm out the Excise on Tea, Coffee & China Ware for the County of Essex.

In Council; Read & Concur'd; And Benjamin Lynde Esqr is joined in the Affair. [*Passed August 13.*

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## CHAPTER 110.

VOTE APPOINTING A COMTEE FOR FARMG THE EXCISE ON TEA COFFEE & CHINA WARE IN MIDDLESEX COUNTY.

Legislative Records of the Council, xx., 514. Mass. Archives, cxx., 58(2).

House Journal, p. 137. Province Laws, iii., 817, note.

In the House of Representatives

*Voted* That William Lawrence Esqr and Mr James Russell with such as the Honble Board shall join and be a Committee to farm Out the Excise on Tea Coffee and China Ware for the County of Middlesex,

In Council

Read and Concurr'd and James Minot Esqr is joined in the Affair. [*Passed August 13.*

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## CHAPTER 111.

VOTE APPOINTING A COMTEE FOR FARMG THE EXCISE ON TEA COFFEE & CHINA WARE IN HAMPSHIRE COUNTY.

Legislative Records of the Council, xx., 514. Mass. Archives, cxx., 57(3).

House Journal, p. 137. Province Laws, iii., 817, note.

In the House of Representatives

*Voted* That Joseph Hawley Esqr and Mr Edward Taylor, with such as the Honble Board shall join, be a Committee to farm out the Excise on tea, Coffee and China Ware, for the County of Hampshire,

In Council Read & Concur'd And Eleazar Porter Esqr is joined in the Affair. [*Passed August 13.*

## CHAPTER 112.

VOTE APPOINTING A COMTEE FOR FARMG THE EXCISE ON TEA COFFEE & CHINA WARE IN WORCESTER COUNTY.

Legislative Records of the Council, xx., 514. Mass. Archives, cxx., 57(2).

In the House of Representatives

*Voted* That Timothy Pain Esqr and Mr David Wilder with such as the Honble Board shall join, be a Committee to farm out the Excise on tea Coffee and China Ware for the County of Worcester

In Council Read and Concurr'd and John Chandler Esqr is joined in the Affair. [*Passed August 13.*

House Journal, p. 137. Province Laws, iii., 817, note.

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## CHAPTER 113.

VOTE APPOINTING A COMTEE FOR FARMG THE EXCISE ON TEA COFFEE, & CHINA WARE IN PLYMO COUNTY.

In the House of Representatives;

*Voted* that Thomas Foster Esqr and Mr John Brewster with such as the honble Board shall join be a Committee to farm out the Excise on Tea Coffee & China Ware, for the County of Plymouth.

Legislative Records of the Council, xx., 515.

In Council; Read & Concur'd; And John Cushing Esqr is joined in the Affair. [*Passed August 13.*

House Journal, p. 137. Province Laws, iii., 817, note.

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## CHAPTER 114.

VOTE APPOINTING A COMTEE FOR FARMG THE EXCISE ON TEA COFFEE, & CHINA WARE IN BARNSTABLE COUNTY.

In the House of Representatives

*Voted* that James Otis & Nathl Stone Esquires with such as the Honble Board shall Join be a Committee to farm out the Excise on Tea Coffee & China Ware for the County of Barnstable.

Legislative Records of the Council, xx., 515. Mass. Archives, cxx., 58(1).

In Council Read & Concur'd & John Otis Esqr is joined in the Affair. [*Passed August 13.*

House Journal, p. 137. Province Laws, iii., 817, note.

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## CHAPTER 115.

VOTE APPOINTING A COMTEE FOR FARMG THE EXCISE ON TEA COFFEE, & CHINA WARE IN BRISTOL COUNTY.

In the House of Representatives;

*Voted* that Mr Jonathan Barney & Mr Thomas Moorey with such as the honble Board shall join, be a Committee to farm out the Excise on Tea Coffee & China Ware for the County of Bristol.

Legislative Records of the Council, xx., 515.

In Council; Read & Concur'd; And George Leonard Esqr is joined in the Affair. [*Passed August 13.*

House Journal, p. 137. Province Laws, iii., 817, note.

## CHAPTER 116.

VOTE APPOINTING A COMTEE FOR FARMG THE EXCISE ON TEA COFFEE, & CHINA WARE IN YORK COUNTY.

Legislative Records of the Council, xx., 515.

House Journal, p. 137. Province Laws, iii., 817, note.

In the House of Representatives;

*Voted* that Mr John Bradbury & Mr Thomas Perkins with such as the honble Board shall join, be a Committee to farm out the Excise on Tea, Coffee & China Ware for the County of York.

In Council; Read & Concur'd; And John Hill Esqr is joined in the Affair. [*Passed August 13.*

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## CHAPTER 117.

Legislative Records of the Council, xx., 515. Mass. Archives, cxx., 59(2).

House Journal, p. 137. Province Laws, iii., 817, note.

VOTE APPOINTING A COMTEE FOR FARMG THE EXCISE ON TEA COFFEE, & CHINA WARE IN DUKES COUNTY.

In the House of Representatives

*Voted* that Zacheus Mayhew & John Sumner Esqrs with such as the honble Board shall join be a Committee to Farm out the Excise upon Tea Coffee & China Ware for the County of Dukes County

In Council; Read & Concur'd & John Allen Esqr is joined in the Affair. [*Passed August 13.*

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## CHAPTER 118.

VOTE APPOINTING A COMTEE FOR FARMG THE EXCISE ON TEA COFFEE, & CHINA WARE IN NANTUCKET COUNTY.

Legislative Records of the Council, xx., 515.

House Journal, p. 138. Province Laws, iii., 817, note.

In the House of Representatives;

*Voted* that Abishai Folger Esqr & Capt John Roach with such as the honble Board shall join, be a Committee to farm out the Excise on Tea, Coffee & China Ware for the County of Nantucket.

In Council; Read & Concur'd; And John Bunker Esqr is joined in the Affair. [*Passed August 13.*

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## CHAPTER 119.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETN OF ELEAZ. WILLIAMS & SETH SUMNER TO SET ASIDE JUDGMENTS.

Legislative Records of the Council, xx., 516. Mass. Archives, cxvii., 38.

Mass. Archives, cxvii., 37. House Journal, pp. 140, 141. Province

A PETITION of Eleazar Williams & Seth Sumner, Proprietors of the new Township called Dorchester Canada, shewing that Caleb Dana and Elisha Coolidge, (two others of the Proprietors) undertook upon certain Conditions to build a Grist Mill in said Plantation, and to keep it in Repair for Fifteen Years, &ca that thô they have done Nothing of this Work, they have sued the Petitioners & the other Proprietors, at the Inferiour Court of Common Pleas for the County of Middlesex, & recovered Judgment by Default

in divers Actions, and Executions are issued out against the Petitioners, and therefore Praying that the said Judgments may be set aside, and if need be, the Petitioners may be allowed another Trial of the said Actions, & that the Executions may be staid;

Laws, xii., 277, chap. 39.

Read and

*Ordered* That the Petitioners serve the adverse Party with a Copy of this Petition that So they may Shew cause, if any they have, on the Second Thursday of the next Sitting of this Court, why the Prayer thereof Should not be granted: And That the Execution within mentioned be Staid in the mean time; Provided the Pet^rs give Sufficient Security to the Sheriff of the County within mention'd to pay what sum shall be finally recover'd of them with the lawful Interest for the Same from this time to the Day when final Judgment shall be made up.[1] [*Passed August 13.*

## CHAPTER 120.

ORDER IMPOWERING BENJ^A & EDWARD DAVIS TO EXPORT PROVISIONS TO ESQUEL.

A PETITION of Benjamin & Edward Davis of Boston Merch^ts shewing that they have a Vessel lately arrived from Esquel near Suranam, whither she is obliged to return and take in the Effects of her Cargo, and therefore praying that She may be allowed to carry Provisions there, upon the Petitioners giving Bond as usual.

Legislative Records of the Council, xx., 517. Mass. Archives, lxv., 123.

Read and

*Ordered* That the Prayer of this Petition be so far granted, as that the Comissioner of Impost be and hereby is impowered to take Bond of One thousand Pounds sterl^g of the Pet^rs for y^e landing of the Provisions mentioned therein at the Port of Esquel, provided that the quantity does not exceed one hundred bar^ls and that the chief Officer of said Vessel, on his return make oath that the said provisions were actually landed within the Port aforesaid, And that upon his taking the said Oath the said Bond be cancelled. [*Passed August 13.*

Mass. Archives, lxv., 122. House Journal, pp. 135, 140.

## CHAPTER 121.

ORDER IMPOWERING MARG^T SPRING, ADM^X, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Margaret Spring of Weston Widow of Thomas Spring Dec^d and Administratrix of his Estate, & also Administ^x on the Testament of Elisabeth Upham of Weston of which Testament the said Thomas was appointed Executor, that therein were contained divers Bequests or Legacies in Money but no Personal Estate left to discharge them, therefore Praying that the Petitioner may be impowered to sell some Lands which the said Thomas held in Partnership with others, (which is uncapable of Division) for the Payment of the said Legacies &c^a

Legislative Records of the Council, xx., 515. Mass. Archives, xix., 307.

Mass. Archives, xix., 306. House Journal, pp. 138, 142. Province Laws, ii., 151, chap. 10.

Read and

*Ordered*, That the Prayer of this Pet^n be so far granted, as that the said Margaret be & hereby is impowered in her said Capacity

[1] At the hearing, February 2, 1756, House Journal, p. 304, this petition was dismissed.

of Admin$^{x}$ to make Sale of that part of the Lands therein mentioned belonging to the said Thomas Spring deceased for the most the same will fetch, & to make and execute a good and sufficient Deed or Deeds of the same as fully as s$^{d}$ Heirs could do if of full age; She to be accountable to the Judge of Probate for the County of Midd$^{x}$ for the produce of Said Sale which after the Debts & Legacies mentioned be first paid, is to be divided among the Heirs of the s$^{d}$ Thomas According to Law. [*Passed August 14.*[1]

## CHAPTER 122.

Legislative Records of the Council, xx., 517. Mass. Archives, lxxiv., 494.

VOTE DESIRING THE COMMANDER IN CHIEF TO ENLIST TEN ADDITIONAL MEN FOR THE SCOUT BETWEEN CONNECTIC$^{T}$ & MERRIMACK RIVERS.

House Journal, p. 142. Province Laws, iii., 948, note. *Ante*, p. 343, chap. 41.

*Voted* That his Honour the Commander in chief be desired to give Orders for the inlisting Ten Men as an addition to the thirty men already Ordered to Scout between Connecticut & Merrimack Rivers, the said Ten Men to be imployed in said service for a term not exceeding Six Weeks. [*Passed August 14.*

## CHAPTER 123.

VOTE CONFIRMING THE MINISTERIAL TAXES LEVIED AND ASSESSED IN THE TAUNTON & MIDDLEBORÔ PRECINCT AND IMPOWERING THE COLLECTORS TO DEMAND AND RECEIVE THE SAME.

Legislative Records of the Council, xx., 518. Mass. Archives, xiii., 670.

A PETITION of Benjamin Paul & Zebulon Leonard, two of the Committee of the Precinct called Taunton & Middleborough, Precinct, shewing that by a Vote passed in a Meeting of the said Precinct a Tax was granted for the Support of the Ministry & committed to the Collectors of said Precinct, but great Difficulties are arisen in levying the same, because one of the Committee who called the said Meeting had not taken the Oath respecting the Bills of Credit of the Neighbouring Governments, Praying that this Court would confirm the Proceedings in said Meeting, Notwithstanding said Omission.

Mass. Archives, cxvii., 34–36. House Journal, pp. 129, 138, 141. Province Laws, iii., 714, chap. 23.

*Voted*, That the Taxes raised & Assessed on The Inhabitants of the abovementioned Precinct, be and they hereby are declared good and Valid in Law to all intents and purposes, althô one of the said Com̄$^{tee}$ who granted the Warrant for Calling the meeting for the raising said Taxes omitted taking the oath required by Law respecting the paying and receiving the Bills of Credit of the neighbouring Governm$^{ts}$ And that the Collectors of Taxes in said precinct be and they herby are as fully Authorized to collect, demand & receive the several Sums Committed to them to Collect of the Several Inhabitants by said Tax as they would have been, had all the Com$^{tee}$ who called the said Meeting, taken the said Oath required by Law. [*Passed August 14.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is August 13.

## CHAPTER 124.

VOTE FOR INLISTING ADDITIONAL RECRUITS AT FORT DUMMER.

A Petition of Nathan Willard Commander of Fort Dummer, shewing that the Number of the Garrison Soldiers there is so reduced as renders it hazzardous, that upon the Appearance of any Body of the Enemy it will fall into their Hands, Praying that the said Garrison may be reinforced.

Legislative Records of the Council, xx., 520. Mass. Archives, lxxiv., 487.

Read and

*Voted*, That his Honour the Commander in chief be desired to give Directions to y^e^ Memorialist Nathan Willard to inlist six Men for a term not exceeding six Weeks as an Augmentation of the forces already posted at Fort Dummer, None of the said six men to be inhabitants of that place or of the Lands round about y^e^ same except Daniel Sargent who is now there; and that each of the said six Men be paid one Dollar as a Bounty On their inlistment as aforesaid. [*Passed August 14.*[1]

Mass. Archives, lxxiv., 487. House Journal, pp. 131, 139, 140. Province Laws, iii., 948, note. *Ante*, p. 343, chap. 41.

## CHAPTER 125.

VOTE DESIRING THE LIEUT. GOVERNOR TO GIVE ORDERS FOR A GUARD OF THIRTY MEN, TO PROTECT THE STORES TO BE SENT TO FORT HALIFAX AND THE WORKMEN EMPLOYED THERE.

*Voted* that His Honour the Lieuten^t^ Governour be desired to give Orders that a Detachment of Thirty Men be made out of the several Companies, raised for the Defence of the Eastern Frontiers, that are destined to march from New Boston to Frankfort; & to Frankfort to the Block House on S^t^ Georges River, & to be employed in guarding the Provisions &c^a^ up to Fort Halifax, & in Guarding the Workmen while at Work, as the Commanding Officer of said Fort shall order; and that his Honour the Lieutenant Governour be desired immediately to give Orders to the respective Captains of the said Companies, to furnish their Proportions of the said Thirty Men, specifying the Number that each is to furnish, who are to repair to the Commanding Officer of said Fort, without Loss of time, And in Order that the said Soldiers so draughted may be satisfied with their Duty, the Commanding Officer afores^d^ is to assure them in the Name & Behalf of the Government that effectual Care shall be taken to releive them in a time not exceeding three Months from this time. [*Passed August 14.*[2]

Legislative Records of the Council, xx., 521.

Mass. Archives, lxxiv., 495. House Journal, pp. 142, 143. *Ante*, p. 343, chap. 41.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is August 15.

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is August 15.

## CHAPTER 126.

VOTE REFERR$^{G}$ TO SOLD$^{RS}$ IN SERVICE THAT HAVE RECOVERED JUDGMENTS, &c$^{A}$.

Legislative Records of the Council, xx., 517. Mass. Archives, lxxiv., 496.

House Journal, p. 143.

WHEREAS it appears to this Court that divers persons who are now employed in his Majesty's Service have obtained Judgments in the Executive Courts for their Debts or Damages and Costs; but it so happens that their Executions cannot be issued out of the said several Courts by reason said Plaintiffs have no opportunity to take the previous Oath respecting their receiving or paying in this Governm$^{t}$ any Bill or Bills of Credit of the Governm$^{ts}$ of Connecticut, New Hampshire or Rhode-Island: Therefore

*Voted*, That where it appears to the Clerks of the respective Executive Courts that any person or persons are in said Service & were gone into the same before there Judgm$^{ts}$ were recovered (either by Certificate from the Muster-Master, or Oath of their Attorney,) in every such Case it shall be lawful for the Clerks aforesaid respectively, and they are hereby directed to issue said Executions, & to certify thereon that the said Plaintiffs are in the Actual Service of the Province, and the same Executions shall be good & Valid in the Law to all Intents & purposes whatsoever. [*Passed August 15.*[1]

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## CHAPTER 127.

RESOLVE DESIRING THE LIEUT. GOVERNOR TO DISMISS DAVID INGERSOL, ESQ$^{R}$, FROM ALL POSTS OF HONOR OR PROFIT, AND DIRECTING THE ATTY GEN$^{L}$ TO BRING SUIT FOR THE RECOVERY OF MONEY DUE PROVINCE.

Legislative Records of the Council, xx., 518.

Mass. Archives, i., 289–298. Legislative Records of the Council, xx., 479, 502. House Journal, pp. 22, 25, 70, 71, 112, 143, 144, 147, 148.

IN COUNCIL; Whereas it appears to this Court that David Ingersol Esq$^{r}$ of Sheffield hath, in Violation of his Trust as one of the Select Men of said Town been guilty of defrauding the Government of the Sum of Forty two Pounds fourteen Shillings & eightpence in Manner & Form as set forth in the Report of a Committee of this Court of 13$^{th}$ of June last; and whereas the said David & the Rest of the Select Men, together with Luke Noble, Constable of said Town were ordered to attend this Court on the first day of their present Sitting, in order to his being examined concerning the forementioned Fraud, at which time the Parties aforesaid (except the said David) accordingly attended, and by their Testimony the Fraud was made fully evident, Therefore,

*Resolved* that the said David is unworthy to sustain any Office or Post either of Honour or Profit within this Government; and that his Honour the Lieuten$^{t}$ Governour be accordingly desired to dismiss the said David from any Post he may sustain in the Militia, and that His Honour would likewise with the Advice & Consent of his Majesty's Council, remove the said David from the Office of a Justice of the Peace or any other Civil Office he may sustain in the Government. And Edmund Trowbridge Esq$^{r}$ Attorney General is hereby impowered & directed to commence & pursue an Action on behalf of this Government, for recovery of the Moneys of which

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is August 14.

he the said David hath defrauded this Province; and also all Charges that have arisen or may arise thereby; and to prosecute him by filing an Information against him for the Fraud aforesaid, or otherwise according to Law: In the House of Representatives; Read and Concur'd. [*Passed August 15.*

## CHAPTER 128.

ORDER REFERRING ALL UNFINISHED MATTERS.

*Ordered* that all Matters & Things that had Day at this Sitting of the Court which have not or shall not be passed upon before the Court rise, be referred over & have the same day at the next Sitting of the Court. [*Passed August 15.*

Legislative Records of the Council, xx., 519.

House Journal, p. 147.

## CHAPTER 129.

VOTE IN REGARD TO ATTACHING THE PENOBSCOT INDIANS AS ALLIES.

Whereas on the 10th day of June[1] last, this Court agreed that in the Declaration of War the Penobscot Tribe of Indians should be exempted, and that an Offer should be made them that in Case they would bring in their Invalids their Women & Children, they should be taken under the Protection of this Government and be supported by it, and that the remaining part of their Tribe (being their able bodied & effective Men) should act offensively with us against the other Tribes, in order to preserve Friendship between us & the said Tribe; And Whereas notwithstanding the said Proposals made them, the Government remain at Uncertainty as to what are their Resolutions on this Head, Therefore,

Legislative Records of the Council, xx., 520.

Mass. Archives, xxxii., 662–667. House Journal, pp. 89, 127, 128. *Ante*, p. 343, chap. 41.

*Voted* that his Honour the Commander in Chief be desired as soon as may be, to write to the said Tribe of Indians & acquaint them that this Government think it necessary for their Safety, as well as ours, that they forthwith accept the said Proposals, otherwise their Refusal or Delay will constrain them to treat them as Enemies, in Common with the other Tribes, against whom War has been declared,

And to prevent their pleading in Excuse, for Refusing the afore mentioned Proposals, Our therein Insisting upon their taking up Arms with us against the other Tribes as aforesaid, To inform them that it will be satisfactory to this Government, If instead thereof, their young Men come in with the Rest of their Tribe & put themselves under the Care & Protection of this Government. And that his Honour do likewise give them Assurance that any Matters of Grievance that may have occurred since the last Treaty with them at Falmouth shall be duly inquired into, as soon as conveniently may be, (their immediate Compliance with the said Proposals notwithstanding;) And that such Measures shall be taken for their quiet & Satisfaction, as upon such Inquiry shall appear to be just & reasonable. [*Passed August 15.*

[1] "July," in Legislative Records of the Council, xx., 520, which is incorrect.

## CHAPTER 130.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

Legislative Records of the Council, xx., 521. Mass. Archives, ccxlviii., 182.

AN ACCOMPT presented by Mr Robert Luscomb Treasurer of the County of Bristol for the last Year, having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Mass. Archives, ccxlviii., 182. House Journal, pp. 13, 31, 148.

Read and

*Ordered* That this Account be Allowed, except one Article of fourteen Shillings paid Ebenezer Linken for which there is no Voucher, And that the Ballance thereof being thirty one Pounds And one penny half penny (including the said fourteen Shillings) the said Treasurer be further accountable to said County for. [*Passed August 16.*

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## CHAPTER 131.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

Legislative Records of the Council, xx., 522.

AN ACCOMPT presented by Richard Bill Esqr Treasurer of the County of Suffolk for the last Year, having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed.

House Journal, pp. 13, 31, 148.

Read &

*Ordered* that this Accompt be allowed & that the Ballance thereof, being Twenty four Pounds three Shillings & five pence farthing the said Treasurer be further accountable to said County for. [*Passed August 16.*

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## CHAPTER 132.

ORDER ALLOWING 22/ TO NEHEMIAH STEBBINS.

Legislative Records of the Council, xx., 522. Mass. Archives, lxxiv., 420.

A PETITION of Nehemiah Stebbins a Soldier in the Western Frontiers shewing that he was omitted out of the Muster Roll of his Company Eleven Days whereon he was on Duty, Praying to be allowed his Pay for that Time.

House Journal, p. 149.

Read and

*Ordered* That the Prayer of this Petition be granted, and That there be allowed and paid out of the Public Treasury the Sum̄ of twenty two shillings to the Petitioner, in full Consideration for his services mentioned. [*Passed August 16.*

## CHAPTER 133.

VOTE DESIRING THE LIEUT. GOVERNOR TO WRITE TO THE SOUTHERN GOVERNM$^{TS}$ TO ALLOW VESSELS WITH PROVISIONS TO CLEAR FOR PORTS OF BOSTON AND SALEM.

In the House of Represent$^{s}$

Whereas the House are informed That by the Acts of the southern Governm$^{ts}$ Vessels are restrained from clearing out for this Province with Provisions, which prohibition may occasion a great Scarcity of Provisions among us, And thereby not only distress our own Inhabitants, but render it very difficult for the Governm$^{t}$ to supply our Forces: Therefore

*Voted*, That his Honour the L$^{t}$ Governour be desired to write to the Governors of the Southern Governm$^{ts}$ desiring of them that liberty may be given for any vessels bound to the Ports of Boston or Salem; to clear out for those Ports with Provisions, Sufficient Security being given that the same shall be landed in one or other of the said Ports.

In Council Read and Concur'd. [*Passed August 16.*

Legislative Records of the Council, xx., 522. Mass. Archives, vi., 208.

Mass. Archives, vi., 209. House Journal, p. 149. Province Laws, iii., 944, note.

## CHAPTER 134.

ORDER ALLOWING £50. 6. 8 TO CHARLES GOODRICH.

A Petition of Charles Goodrich of Pontoosuck in the County of Hampshire; Praying that this Court would order Payment of his Account of Victualling Connecticut Soldiers sent to defend the Place from the Indians.

Read &

*Ordered* that there be allowed & paid out of the publick Treasury to Charles Goodrich the Sum of Fifty Pounds six Shillings & eight pence in full Discharge of his billiting Cp$^{t}$ Hinman's & Ensign Martin's Men, amounting to 151 Weeks & two Days, agreable to the within Account. [*Passed August 16.*[1]

Legislative Records of the Council, xx., 522.

House Journal, pp. 99, 139, 146.

## CHAPTER 135.

ORDER AG$^{ST}$ PRINTING ANY THING IN REGARD TO THE CROWN POINT EXPEDITION.

*Ordered*, That the Printers of the several Public News Papers be prohibited from publishing any thing relating to the Expedition now Carrying on against Crown Point without Permission from this Court or of the Gov$^{r}$ & Council in the Recess of y$^{e}$ Court. [*Passed September 6.*

Legislative Records of the Council, xx., 525. Mass. Archives, lxxiv., 510.

House Journal, p. 155 *bis.*

[1] "Prorogued" to September 3 according to the House Journal, p. 150. But the Legislative Records of the Council, xx., 524, reads, that on September 5, the General Court was "specially convened," a continuation of the second session. See the House Journal, p. 167, which begins the third session on September 24.

## CHAPTER 136.

ORDER APPOINTING A COMTEE TO WAIT ON HIS HONOUR TO DESIRE HIM TO GIVE ORDERS IN REGARD TO THE RECRUITS FOR THE CROWN POINT EXPEDITION.

Legislative Records of the Council, xx., 526. Mass. Archives, lxxiv., 513.

Legislative Records of the Council, xx., 525, 526. House Journal, p. 155.

In the House of Reptives

*Ordered* that Colo Lawrence Colo Cotton & Colo Marcy with such as the honble Board shall join be a Commee to wait upon his Honr the Commr in Chief, with the Vote of the two Houses of this day, relating to the Recruits proposed to be raised for the Crown Point Expedition, for his Consent; And to desire his Honour would be pleased to give Orders for proportioning the Numbers of Soldiers to be supplied from each of the Regimts accordingly.

In Council Read & Concur'd And Francis Foxcroft & William Brattle Esqrs are joined in the Affair. [*Passed September 6.*

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## CHAPTER 137.

VOTE DESIRING THE LIEUT GOVERNOR TO GIVE ORDERS FOR IMPRESSG TO MAKE UP THE 800 MEN ORDERED TO BE RAISED.

Legislative Records of the Council, xx., 52. Mass. Archives, lxxiv., 518.

Legislative Records of the Council, xx., 387. House Journal, pp. 157, 158. *Ante*, p. 365, chap. 94; p. 367, chap. 97. *Supra*, chap. 136.

*Voted* That his Honour the Lt Govr & Comandr in Chief be desired to give Orders forthwith, to the Inlisting Officers of the Six Companies (part of the Eight hundred Men heretofore Ordered to reinforce the Army destined to Crown Point), which are not compleated, to make return of the Men they have inlisted by ye 12th Current, and whatever Number may be wanted to Compleat their Companies That his Honr be desired to give Orders that they be impressed in the same manner and proportion as the two thousand Men last ordered to be raised, And if the said Officers make no return by the time aforesaid, That his Honr be desired to cause to be impressed as aforesaid a sufficient Number of Men to Compleat the sd Companies without having regard to the inlistment of sd Officers; And in that Case that the Said Officers be Obliged to return the inlisting Money they have received, still[1] remaining in their hands. [*Passed September 8.*

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## CHAPTER 138.

Legislative Records of the Council, xx., 528. Mass. Archives, lxxiv., 519.

Legislative Records of the Council, xx., 525, 527. House Journal, pp. 155, 163. *Ante*, p. 296, chap. 325.

VOTE THAT ANY THREE OF THE COMTEE OF WAR SHALL BE A QUORUM.

*Voted*, That any three of the Committee of War shall be a Quorum; And That the Clerk to the said Comtee be directed to take an Account of the Time of the Gentn That attend on that Service. [*Passed September 8.*

[1] The word "still" is underlined in Mass. Archives.

## CHAPTER 139.

ORDER IMPOWERING SARAH CAMPBELL TO RECOGNIZE AS RETAILER OF STRONG DRINK.

A Petition of Sarah Campbell of Salem Widow, Retailer, shewing that She is licenced for selling strong Drink, for this present Year but thrô Mistake elapsed the time for Recognizing; And therefore praying that She may be admitted to recognize as required by Law.

Legislative Records of the Council, xx., 528. Mass. Archives, cxx., 61.

Read and

*Ordered* That the Prayer of this Petition be granted, And that the Clerk of the Court of General Sessions of the Peace for the County of Essex, be & he hereby is impowered to take recognizance of the Pet$^{r}$ in Manner as is by Law directed her elapsing the Time of entering into recognizance by Law prescribed Notwithstanding. *September 8.*

Mass. Archives, cxx., 60. House Journal, p. 161. Province Laws, iii., 782, chap. 16.

## CHAPTER 140.

ORDER IMPOWERING W$^{M}$ COOPER TO EXPORT PROVISIONS TO THE BAY OF HONDURAS.

A Memorial of William Cooper of Boston Merchant, Shewing that he has two Vessels bound for the Bay of Honduras where it is necessary to carry more Provisions than is usual to be on Common Voyages, Therefore Praying that he may be licenced to export the Provisions in the Memorial particularly mentioned, upon giving Bond according to Law.

Legislative Records of the Council, xx., 529. Mass. Archives, lxv., 134.

Read &

*Ordered* That the Prayer of this Mem$^{o}$ be granted & that the Mem$^{ot}$ giving Bond with two Sufficient Sureties in the sum of One thousand pounds for the delivery of the said Provisions in the Bay excepting so much as may be necessary for the Use of the People on board the said Vessels (y$^{e}$ Danger of y$^{e}$ Seas excepted); & y$^{t}$ the Pet$^{r}$ make oath before the Comiss$^{r}$ of Impost y$^{t}$ the Provisions on board s$^{d}$ Vessels are designed for no other place than the Bay & for y$^{e}$ Comon supplies of the s$^{d}$ Vessells; And That the Masters of Said Vessels upon their return shall make Oath (if required) that they have delivered the same at the Bay afores$^{d}$ except what was reserved for the use of y$^{e}$ s$^{d}$ Vessels. [*Passed September 8.*

House Journal, p. 161. Province Laws, iii., 866, chap. 7; 945, note.

## CHAPTER 141.

ORDER IMPOWERING TIMOTHY FITCH & JOHN PHILLIPS, J$^{R}$, TO EXPORT PROVISIONS TO THE BAY OF HONDURAS.

A Memorial of Timothy Fitch & John Phillips jun$^{r}$ of Boston, Merchants, shewing that they are fitting out the Brigantines Neptune & Elisabeth for the Bay of Honduras, where it is necessary to carry more Provisions than is usual on common Voyages; There-

Legislative Records of the Council, xx., 529. Mass. Archives, lxv., 132.

Mass. Archives, lxv., 131. House Journal, pp. 154, 160. Province Laws, iii., 866, chap. 7; 945, 946, note.

fore Praying that they may be licenced to export the Provisions in the Memorial particularly mentioned, upon their giving Bond according to Law.

Read &

*Ordered* that the Prayer of the memorial be granted: And that the Petiʳˢ give Bond With sufficient Sureties in the Sum of One thousand Pounds for each Vessel for the delivery of the sᵈ Provisⁿˢ in the Bay of Honduras, except so much as may be necessary for the use of the People on board said Vessels (the Danger of the Seas excepted;) and That the Petʳˢ make oath before the Comiss$^{r}$ of Impost yᵗ the Provisions on board sᵈ Vessels are designed for no other place than the sᵈ Bay & yᵉ Common supplies of the Vessels; And that the Masters of sᵈ Vessels on their return shall make oath (if required) that they have delivered the same at the Bay aforesaid excepting what was reserved for the Vessels Use. [*Passed September 8.*

## CHAPTER 142.

ORDER IMPOWERING THOˢ BOYLSTONE TO EXPORT FLOUR TO SURINAM.

Legislative Records of the Council, xx., 529. Mass. Archives, lxv., 136.

A PETITION of Thomas Boylstone of Boston Merchᵗ shewing that he is fitting out the Brigatine Friendship for Surinam, Praying that he may be allowed to send thither Fifty Barrels of Flour as Part of her Cargo.

Mass. Archives, lxv., 135. House Journal, pp. 161, 162. Province Laws, iii., 866, chap. 7; 946, note.

Read and

*Ordered* that the Prayer of the Petⁿ be granted and that the Petʳ be allowed to Ship the Fifty barrells Flour within Mentioned for the Port of Surrinam he giving Bond to the Commissʳ of Impost in One Thousand Pounds Sterling for the delivery of the said Flour at the Port aforesaid and that the Chief Officer of said Vessell on his return make Oath of the delivery of said Flour accordingly. [*Passed September 8.*

## CHAPTER 143.

ORDER IN REGARD TO THE COLLECTION OF TAXES IN THE TOWN OF BROOKFIELD.

Legislative Records of the Council, xx., 531. Mass. Archives, cxvii., 42.

A PETITION of Jedediah Foster & William Ayer Assessors of the Town of Brookfield, setting forth that in their Warrants for collecting the Tax of the Inhabitants of the late first Parish, thro' Mistake they omitted Sealing said Warrants, Praying that the Constables may be enabled by this Court to collect said Tax, notwithstanding said Defect.

House Journal, pp. 160, 162.

Read and

*Ordered* That Notwithstanding the Warrants in this Petition Mentioned had no Seals affixed to them The sᵈ Constables be and hereby are Impowered and required to levy and Collect all & Every yᵉ Sum and Sumˢ of money contained in sᵈ rates and Assesmᵗˢ yet unpaid, of the yᵉ [1] Several persons on whom sᵈ sums are assessed, and Enforce yᵉ payment thereof by yᵉ persons assessed, by all such ways and means as by Law sᵈ Constables might have done if sᵈ Warrᵗˢ had been reg-

[1] *Sic.*

ularly and lawfully Seal'd and y$^{t}$ s$^{d}$ Constables Shall be accountable for and Oblidged to pay into y$^{e}$ Treasurer of s$^{d}$ Brookfield all y$^{e}$ money which they have Collected and Shall Collect on s$^{d}$ Assessm$^{ts}$ in y$^{e}$ same manner as by law they would have been if s$^{d}$ Warrants had been lawfully Sealed at y$^{e}$ time they were delivered to them And Also that s$^{d}$ Constables henceforth Shall not be liable to any action or actions in law here after to be brought by any person or persons against them for Damages on acc$^{t}$ of y$^{e}$ levying or Collecting of any part of s$^{d}$ assesm$^{ts}$ by them already made by Virtue of s$^{d}$ Warr$^{ts}$ But that all Actions that may or Shall hereafter be brought against s$^{d}$ Constables grounded in y$^{e}$ deficiency of s$^{d}$ Warr$^{ts}$ by reason of their being unsealed as afores$^{d}$ and where y$^{e}$ Collections and levying and all proceedings therein were in all other respects regularly and lawfully made Shall be wholly barred. [*Passed September 8.*[1]

## CHAPTER 144.

VOTE DESIRING THE LIEUT. GOVERNOR TO ISSUE A PROCLAMATION TO ENCOURAGE SOLDIERS ENLISTING FOR THE CROWN POINT EXPEDITION.

*Voted* that His Honour the Lieu$^{t}$ Governour be desired to issue a Proclamation, to encourage the Two Thousand additional Troops to enlist for the Crown Point Expedition, Promising to each able bodied Man who shall enlist on or before the fifteenth Instant Four Dollars upon Enlistment, and Two Dollars more to every Man who shall appear at the first Muster with a good Gun, to carry with him, Also promising a good Blanket to each Man & twenty six Shillings & eight pence per Month, while in the Service, and that such who shall inlist as aforesaid shall be discharged preferably sooner than those who may be impressed, and as soon as the Men already enlisted shall be discharged, And that his Honour be requested to write to Major General Johnson desiring him to dismiss a proportionable Number of the Troopes of this Government compared with the Troops of the other Governments, as soon as the Service will admit of it; And that in discharging such Troops, he would prefer the Enlisted Men to those who may be impressed.[2] [*Passed September 9.*

Legislative Records of the Council, xx., 530.

Mass. Archives, lxxiv., 528–531. Legislative Records of the Council, xx., 525. House Journal, pp. 163, 164. Commissions and Proclamations, 1734–1757, p. 279.

## CHAPTER 145.

VOTE FOR PURCHAS$^{o}$ A HOYOT AND A ROYAL WITH SHELLS AND SHOT.

*Voted*, That the Com$^{tee}$ of War be directed to make enquiry whether there be a Hoyot[3] to be purchased, and if there be one that shall be found good & sufficient for Service, that they purchase the same as also one Royal[4] on the best Terms they Can, together with a sufficient Quantity of Suitable Shells & Shott for the Use of the Province; and that they immediately forward the same to Albany, for the use of y$^{e}$ Army on the Expedition to Crown-point. [*Passed September 9.*[5]

Legislative Records of the Council, xx., 528. Mass. Archives, lxxiv., 525. House Journal, pp. 164, 165. *Ante*, p. 296, chap. 325.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is September 9.

[2] The proclamation was issued September 9, 1755. See Mass. Archives, lxxiv., 531.

[3] A lighter.

[4] A small mortar.

[5] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is September 8.

## CHAPTER 146.

VOTE DESIRING THE LIEUT GOVERNOR TO APPOINT COL. RICHD GRIDLEY A COLONEL OF A REGIMENT IN CROWN POINT EXPEDITION.

Legislative Records of the Council, xx., 530. Mass. Archives, lxxiv., 534.

House Journal, p. 164. Province Laws, xiii., 434, chap. 185; xiv., 452, chap. 112; 515, chap. 270.

WHEREAS there is an absolute Need of a greater Number of Persons in the Expedition against Crown Point, that understand the Artillery;

*Voted*, That Colonel Richard Gridley be desired for the Necessity of the Service to assist there in that Part, and that he have the same monthly Pay for it which he received for his Services in the Train of Artillery at the Siege of Louisbourgh: And further

*Voted*, That his Honour the Lieutenant Governour be desired to appoint him Colonel of one of the Regiments to be raised here for that Expedition; and that he receive his Pay in that Capacity too; and that an Express be immediately dispatch'd to him for his Answer. [*Passed September 9.*

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## CHAPTER 147.

Legislative Records of the Council, xx., 530. Mass. Archives, lxxiv., 527.

ORDER FOR FURNISHING BLANKETS OR OTHER WARM CLOTHING TO ALL THE 2,000 RECRUITS FOR THE CROWN POINT EXPEDITION.

House Journal, p. 164. *Ante*, p. 296, chap. 325; p. 385, chap. 144.

*Ordered*, That the Committee of War be directed to furnish the two thousand Additional Troops, as well those who may be impressed as those who shall inlist for the Crown-Point Expedition each man with a Blankett or other warm Cloathing equivalent. [*Passed September 9.*

# RESOLVES, ORDERS, VOTES, ETC.

Passed at the Session begun and held at Boston, on the Twenty-fourth Day of September, A.D. 1755.

## CHAPTER 148.

VOTE FOR DETAINING THE VESSEL COMMANDED BY CAPT ROBERT JARVIS.

Legislative Records of the Council, xxi., 4. Mass. Archives, lxv., 140.

*Voted*, That his Honour the Lieut Governor be desired to give Orders, That a Vessel Robt Jarvis Master, now lying in the Harbour of Boston & ready to Sail for Great Britain be Stayed, 'till the dispatches proposed to be sent from this Governmt Shall be prepared or till his Honour's further order. [*Passed September 27.*

Legislative Records of the Council, xxi., 4. House Journal, pp. 176, 177.

## CHAPTER 149.

VOTE FOR IMPRESSG ARMS FOR CROWN POINT EXPEDITION.

Whereas the Act made and passed in the Twenty Seventh year of his Majesty's Reign intitled an Act for levying Soldiers, and to prevent Soldiers and Seamen in his Majesty's Service from being arrested for debt, doth not impower the Captain or chief Officer of the Company or Troop to which any person or persons belong who inlist into his Majesty's Service, in the pay of this Governmt to impress Arms for him or them that are or shall be so inlisted: Therefore

Legislative Records of the Council, xxi., 4. Mass. Archives, lxxiv., 551.

House Journal, pp. 174, 175, 176. Province Laws, iii., 734, chap. 41.

*Voted*, that every Capt or chief Officer of the Company or Troop in this Province who have or shall inlist any person or persons into his Majesty's Service, in the present Expedition to Crown-point, be and they hereby are fully Authorized & impowered to impress Arms for him or them in the same manner as they are by said Act impowered to impress Arms for impressed Men, the same Rules touching such Arms to be Observed as are mentioned in said Act. [*Passed September 27.*

## CHAPTER 150.

ORDER ALLOWING £6. 13. 4 TO THE SELECTMEN OF THE TOWN OF BOSTON.

A Memorial of the Select Men of the Town of Boston, Shewing that for the Ease of the Province from the Charge of maintaining of indigent & helpless Persons, that are not Inhabitants, they have been at the Expence of transporting of the Widow Haynes & her

Legislative Records of the Council, xxi., 5. Mass. Archives, xvᵃ., 259.

Mass. Archives, xv[a]., 258. House Journal, p. 174.

two Children for Europe, Praying that they may be reimbursed out of the publick Treasury.

Read and

*Ordered* That the Prayer of this Memorial be granted, And that the sum of Six pounds thirteen shillings and four pence be allowed and paid out of the public Treasury to the Select Men of the Town of Boston in full discharge of the Account herewith exhibited. [*Passed September 27.*

## CHAPTER 151.

ORDER ALLOWING £15. 8. 4¾ TO W[M] BULFINCH.

Legislative Records of the Council, xxi., 7. Mass. Archives, lxv., 82.

Mass. Archives, lxv., 83. House Journal, pp. 65, 181. Province Laws, xiii., 465, chap. 1.

A PETITION of William Bulfinch Sail maker, shewing that he gave in to the late Committee of War for the Expedition against Cape Breton, his Accompt of Storeage & repairing the Sails of the Massachusetts Frigate; Which Accompt being mislaid by the said Committee has never yet been paid, Praying that it may be now allowed & discharged; a true Copy whereof is herewith exhibited.

Read and

*Ordered* that the Pet[r] be allowed to be paid out of the Publick Treasury the Sum of fifteen pounds eight Shillings, and four pence three farthings in full Satisfaction of the Account annexed. [*Passed September 30.*

## CHAPTER 152.

VOTE FOR SOLDIERS ON THE FRONTIERS GOING TO MEETING COMPLEATLY ARMED.

Legislative Records of the Council, xxi., 8. Mass. Archives, lxxiv., 566.

House Journal, p. 182.

*Voted* that His Hon[r] the Lieu[t] Gov[r] and Commander in Chief be desired to give Orders to the Chief Officers in the Towns of the Eastern and Western Frontiers to Oblige the Soldiers under their respective Commands to go compleatly Arm'd to their several places of publick Worship on Lord's Days in this time of Danger. [*Passed October 1.*

## CHAPTER 153.

ORDER IMPOWERING MICHEL TROLLET AND SAMUEL BROWN TO EXPORT PROVISIONS TO SURINAM.

Legislative Records of the Council, xxi., 8. Mass. Archives, lxv., 148.

House Journal, p. 185. Province Laws, iii., 866, chap. 7.

A MEMORIAL of Michel Trollet & Samuel Brown of Boston; shewing that they have ship'd on board the Brigantine Dolphin whereof they are Owners, a Quantity of Provisions, particularly mentioned, Praying for Liberty to send the said Provisions to Surinam, upon their giving Bond at the Impost Office, &c[a]

Read and

*Ordered* that the Prayer of this Pet[n] be Granted and that the Pet[rs] be allowed to Ship the above Provisions on the said Brig[t] they Giving Bond in the sum of One Thousand pounds Sterling to the Commissioner of Impost for Landing the same in the Port of Surrinam and that the Chief Officer of s[d] Vessell on his return make Oath of its being so Landed. [*Passed October 1.*

## CHAPTER 154.

VOTE FOR PRINTING THE 71ST SECTION OF THE ACT OF PARLIMENT ENTITLED AN ACT FOR PUNISHING MUTINY AND DESERTION, &c.

*Voted* that the Seventy first Section of the Act of Parliment "Entitled An Act for punishing Mutiny and Desertion and for the better payment of the Army and their Quarters" be printed in all the publick papers, Also that a number of the said Section of the act be printed in seperate papers, and distributed in the several Towns through the Province. [*Passed October 1.*

Mass. Archives, xxi., 376.

House Journal, p. 183.

Province Laws, iii., 753, chap. 4.

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## CHAPTER 155.

VOTE IN REGARD TO THE SUPPORT OF SICK & WOUNDED SOLDIERS.

*Voted* That all needfull and Necessary support be allowed such Sick & wounded Soldiers as shall have liberty to return home from Gen[l] Johnsons Army (who belong to this Province) who shall desire relief, untill they shall get to their respective homes, And that each and every Person that shall supply such Sick or Wounded Soldier shall keep a fair and particular Acco[t] of each and every Man's name, and what Company he belongs to & of what he receives, and return such Acco[t] which shall be certified by the person relieved to the Commissary-General some time before the Muster Rolls shall be made up, that so Payment thereof may be made in such way & manner as this Court shall hereafter order. [*Passed October 3.*

Legislative Records of the Council, xxi., 11. Mass. Archives, lxxiv., 570.

House Journal, p. 174.

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## CHAPTER 156.

ORDER REFERRING ALL UNFINISHED MATTERS.

*Ordered* that all Matters now lying before the Court & not passed upon be referred to the next Sitting, & have the same Day at that Session. [*Passed October 3.*[1]

Legislative Records of the Council, xxi., 11.

House Journal, p. 184.

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## CHAPTER 157.

VOTE REFERRING ALL UNFINISHED MATTERS.

*Voted* that all Affairs, that were referred over & had Day at the present Session, be further referred & have the same Day in the next Sitting of this Court. [*Passed October 23.*

Legislative Records of the Council, xxi., 14.

House Journal, p. 190.

*Supra*, chap. 156.

[1] Adjourned to October 22. See Legislative Records of the Council, xxi., 13.

## CHAPTER 158.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ALEX^A^ RAIT FOR A NEW TRIAL.

Legislative Records of the Council, xxi., 14. Mass. Archives, xliv., 188.

Mass. Archives, xliv., 187. House Journal, p. 191.

A PETITION of Alexander Raitt of Kittery, shewing that in an Action, depending between the Pet^r^ and one Samuel Lamphear, at the last Inferiour Court for the County of York, the Parties agreed to refer it to a Rule of Court, that the Matter was determined by the Referrees at a Time when he was not able to obtain his Evidence, that the Award was against the Petitioner, and the Judgment of Court made up accordingly, Praying that it may be set aside, And that the Court would allow him to have a new Trial, & Execution be staid in the mean time.

Read and

*Ordered*, That the Petitioner serve the adverse Party Samuel Lamphear with this Pet^n^ That he shew Cause if any he have, on the second Friday of the next Sitting of this Court, why the Prayer thereof should not be granted, And that Execution be stayed in the mean time, the Pet^r^ giving sufficient Caution to the Sheriff of the County of York to pay all such Sums of Money as shall be finally recovered against him.[1] [*Passed October 24.*

## CHAPTER 159.

ORDER SETTING OFF JOSIAH MORSE & OTHERS FROM STOUGHTON AND ANNEXING THEM AND THEIR ESTATES TO WALPOLE.

Legislative Records of the Council, xxi., 15. Mass. Archives, cv., 531.

Mass. Archives, cv., 530. House Journal, p. 193.

A PETITION of Josiah Morse, Moses Fales, & John Hartshorn, Inhabitants of Walpole, shewing that they are Owners of Farms in the Town of Stoughton, that are more than six Miles distant from their Parish Meeting House, & but two Miles distant from the Meeting House in Walpole, Praying that they may be set off to Walpole,

Read and

*Ordered* That the Prayer of this Petition be granted, and That the Several Tracts of Land belonging to the Petitioners herein mentioned be and hereby are Sett off from the Township of Stoughton, and annexed to the Township of Walpole And so to remain to all Intents and purposes whatsoever during the Pleasure of this Court. [*Passed October 25.*

## CHAPTER 160.

VOTE IMPOWERING THE COURTS OF GENERAL SESSIONS OF THE PEACE IN THIS PROVINCE TO GRANT LICENCES TO INNHOLD^RS^ AND RETAILERS WHO ARE IN THE ARMY.

Legislative Records of the Council, xxi., 15. Mass. Archives, cxx., 65.

WHERE AS it is Represented to this Court that sundry of the Innholders and Retailers in the several Counties in this Province are gone into the Army destined to Crown Point and elsewhere in his Majesty's Service by reason whereof they have no oppurtunity

[1] At the hearing December 19, 1755, House Journal, p. 244, this petition was dismissed.

to take the Oath required by Law respecting their receiving or paying in this Government any Bill or Bills of Credit of either of the Goverments of Connecticutt New Hampshire or Rhode Island in order to Qualify them to take out their Licences.

House Journal, pp. 194, 195, 198, 199. Province Laws, iii., 714, chap. 23.

Therefore

*Voted* that the Justices of the several Courts of General Sessions of the Peace within this Province at any time before the first day of March Next, be & hereby are fully authorized and impowred to grant Licences if they see cause to all such Innholders & Retailers as shall be absent in his Majesty's Service and so have no oppurtunity to take the beforementioned Oath, they being approbated by the Selectmen of the several Towns to which they respectively belong, the Wife of such absent Innholder or Retailer or such person as shall transact & carry on said Bussiness for them taking the s[d] Oath before the Recognizances required by Law shall be taken. [*Passed October 27.*

## CHAPTER 161.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES, AND DISCHARGING THE TREASURER OF THE SUM OF £15,027. 5. 11.

Report of the Committee for burning Government Securities,

Boston October 15. 1755, Received of Treasurer Gray One hundred ninety six Government Securities, that were redeemable the 20[th] of January 1754, Amounting to Two Thousand one hundred & thirty six Pounds six Shillings & six pence, The Interest paid thereon, Two hundred & eighty Pounds & six pence, making in the whole Twenty four hundred & sixteen Pounds & seven Shillings; also Twenty nine Government Securities, that were redeemable the first of June last, amounting to Five Thousand Pounds, being the full Sum that was emitted, which with the Interest paid thereon, being Three hundred & Sixty one Pounds fourteen Shillings & seven pence, amounts to Five Thousand three hundred & sixty one Pounds fourteen Shillings & seven pence, also fifty eight Government Securities that were redeemable the first of May last, amounting to Six Thousand eight hundred thirty nine Pounds fourteen Shillings, which with the Interest paid thereon being three hundred eighty nine Pounds five Shillings & eight pence, makes Seven Thousand two hundred & twenty eight Pounds nineteen Shillings & eight pence, also Three Benefit Tickets in the late Lottery with Interest, amounting to Six Pounds fifteen Shillings; also in Paper Bills of the several Denominations & Tenor, amounting in Lawful Money to Thirteen Pounds nine shillings & eight pence, making in the whole Fifteen Thousand & twenty seven Pounds five Shillings & eleven pence, L. M.[1] which are burnt & consumed to Ashes by Order of Court.

Legislative Records of the Council, xxi., 15. Mass. Archives, ciii., 373.

Mass. Archives, cill., 372. House Journal, p. 197. *Ante*, p. 363, chap. 87.

The Committee appointed to tell up & burn the Government Securities in the Treasurers Hands, have attended that Service, & have received of the Treasurer in Paper Bills and Government Securities to the Amount of Fifteen Thousand & twenty seven Pounds five Shillings & eleven pence, agreable to the foregoing Receipt, which we have seen burnt & consumed to Ashes, and do Report that the Treasurer be discharged of the said Sum accordingly.

Per Order J. Osborne,

[1] Lawful money.

Read and

*Ordered* That this Report be Accepted, And That the Treasurer be discharged of Said Sum of Fifteen Thousand And twenty seven Pounds, five shill[s] & eleven pence Accordingly. [*Passed October 27.*

## CHAPTER 162.

ORDER ACCEPTING REP[O] OF COMMITTEE ON LETTERS OF GOV[R] SHIRLEY & GENERAL JOHNSON.

Legislative Records of the Council, xxi., 16. Mass. Archives, lxxiv., 591.

Mass. Archives, lxxiv., 590; liv., 173, 185, 193. Legislative Records of the Council, xxi., 13 *bis*. House Journal, pp. 199, 200. *Ante*, p. 296, chap. 325.

THE COMMITTEE appointed to take under Consideration several Letters & Papers received from his Excellency Governour Shirley & Major Gen[l] Johnson have maturely considered the same, & have likewise fully discoursed with Col[o] Ruggles who lately left the Army designed for Crown Point, concerning the Situation & Circumstances of it, and are upon the whole of Opinion, That it is expedient the Army should proceed immediately upon the Expedition, and that the Committee of War make the necessary Provision for this Purpose; And in Order more effectually to carry the Design into execution, That it will be expedient that three Gentlemen of Weight & Influence should forthwith repair to Albany, to correspond with the Committee of War here & forward the Necessaries to the Army, and if Need be, to purchase such Articles, as may be wanting upon any Emergency, or such as cannot so well be sent from hence; and that the other Governments concerned in the Expedition be acquainted with these Resolutions, and desired to join some Gentlemen from each of them respectively to carry on the same Design.

The Committee are further of Opinion, that, as His Excellency Gov[r] Shirley now is, or will very probably soon be at Albany, His Excellency be desired to use his Weight & Influence with all concerned in the Execution of this important Plan, in Order to engage them to proceed with Resolution & Dispatch: In the Name & by Order of the Com[tee] J. OSBORNE.

Read and

*Ordered* That this report be Accepted. [*Pased October 27.*

## CHAPTER 163.

ORDER GRANTING TO JN[O] GOLDSBURY LICENCE TO KEEP AN INN.

Legislative Records of the Council, xxi., 17. Mass. Archives, cxi., 351.

Mass. Archives, cxi., 350, 352. House Journal, p. 198.

A PETITION of John Goldsbury of Wrentham, Inn holder, shewing that at the Time for renewing Licences, he was unavoidably hindred from renewing his own, Therefore Praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered to grant him Licence for the present Year,

Read and

*Ordered* That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the Peace for the County of Suffolk be and hereby are impowered at their present Sessions to grant the Pet[r] if they See cause, a Licence for keeping an house of public entertainment in the Town of Wrentham, he first Obtaining the Approbation of the Select Men of Said Town, the Time for granting of Licences being elapsed Notwithstanding. [*Passed October 28.*

## CHAPTER 164.

ORDER TRANSFERRING FROM THE APPROPRIATION FOR FORTS AND GARRISONS £6,000 TO APPROPRIATION FOR CROWN POINT EXPEDITION.

Legislative Records of the Council, xxi., 17. Mass. Archives, lxxiv., 592.

*Ordered* That there be a Transfer of the Sum̄ of Six Thousand Pounds from the Appropriation for Forts and Garrisons to the Appropriation for Crown-Point Expedition. [*Passed October 28.*

House Journal, pp. 200, 201. Province Laws, iii., 862, chap. 4.

## CHAPTER 165.

ORDER GRANTING TO SAM$^{L}$ RICHARDS LICENCE TO KEEP AN INN.

A Petition of Samuel Richards of Needham Innholder, shewing that by Reason of Sickness, he was prevented from getting his Licence renewed for the present Year; Praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered in their present Session to renew his Licence.

Legislative Records of the Council, xxi., 18. Mass. Archives, cxi., 354.

Read and

*Ordered* That the Prayer of this Pet$^{n}$ be so far granted as that the Justices of the Court of Gen$^{l}$ Sessions of the Peace for the County of Suffolk be and hereby are impowered to grant the Petitioner (if thay see fitt) a Licence to keep an house of public Entertainment in the Town of Needham, he first Obtaining the Approbation of the Select Men of Said Town, The Time for granting Licences being elapsed Notwithstanding. [*Passed October 28.*

Mass. Archives, cxi., 353. House Journal, p. 200.

## CHAPTER 166.

VOTE APPOINTING COMMISSIONERS TO REPAIR TO ALBANY TO FORWARD CROWN POINT EXPEDITION.

This day being appointed for the Choice of Commissioners to repair to Albany On the part of this Province for forwarding the Expedition against Crown Point when the follow$^{g}$ Gentlemen where Chosen by a Major Vote of the Council and Representatives viz$^{t}$

Thomas Hutchinson Esq$^{r}$
Thomas Hubbard Esq$^{r}$
John Choate Esq$^{r}$

[*Passed October 28.*

Legislative Records of the Council, xxi., 18. Mass. Archives, lxxiv., 596.

House Journal, pp. 201, 202, 203, 204. *Ante*, p. 392, chap. 162.

## CHAPTER 167.

ORDER FOR APPOINTING COURIERS BETWEEN BOSTON AND THE ARMY.

*Ordered* That the Com$^{tee}$ of War be directed to agree with Some suitable person or persons to be Employed as a Currier between Boston and Albany, And also with another person to be employed as a Currier between Albany and the Camp at Lake George in

Legislative Records of the Council, xxi., 19. Mass. Archives, lxxiv., 599.

House Journal, p. 203. *Ante*, p. 296, chap. 325.

order to the receiving more speedy advice from the Army during the Continuance of the Expedition Against Crown Point. [*Passed October 29.*

## CHAPTER 168.

ORDER FOR DELIV$^{G}$ TEMP$^{RY}$ LAWS TO THE REPRESENTATIVES OF THE TOWNS OF NEWBURY AND GLOUCESTER.

Legislative Records of the Council, xxi., 19. Mass. Archives, xliv., 210.

House Journal, p. 195.

*Ordered* That the Printer for this Court be directed to deliver at the charge of this Govern$^{t}$ A Sett of the Temporary Laws of the Province to Cap$^{t}$ Stephen Emery Member for the Town of Newbury, and Also to James Davis Esq$^{r}$ member for the Town of Glocester. [*Passed October 29.*

## CHAPTER 169.

VOTE SUBSTITUTING JAMES MINOT AND SAMUEL LIVERMORE, ESQ$^{RS}$, FOR THOMAS HUTCHINSON AND THOMAS HUBBARD, ESQ$^{RS}$, AS COMMISSIONERS TO REPAIR TO ALBANY TO FORWARD CROWN POINT EXPEDITION.

Legislative Records of the Council, xxi., 19. Mass. Archives, lxxiv., 597.

House Journal, pp. 203, 204 *bis*, 205. *Ante*, p. 393, chap. 166.

THIS DAY being appointed for the Choice of two Commissioners to proceed to Albany for forwarding the Expedition against Crown Point in the Room of Thomas Hutchinson and Thomas Hubbard Esq$^{rs}$ who have declined that Service the follow$^{g}$ Gent$^{n}$ where [1] Chosen by a Major Vote of the Council and Representatives viz$^{t}$

James Minot Esq$^{r}$
Samuel Livermore Esq$^{r}$

[*Passed October 29.*

## CHAPTER 170.

VOTE CHOOSING W$^{M}$ BOLLAN, ESQ$^{R}$, AGENT AT GREAT BRITAIN.

Legislative Records of the Council, xxi., 20.

House Journal, pp. 206, 207. *Ante*, p. 346, chap. 44.

JOHN SHARP ESQ$^{R}$ having by his Letter to this Court excused himself from undertaking the trust of Agent for this Province in Great Britain, To which he had been elected, The two Houses proceeded to a new Choice; And

William Bollan Esq$^{r}$ was duly chosen Agent by a Major Vote of the Council & House of Representatives;

To which the Lieu$^{t}$ Governour signed his Consent. [*Passed October 30.*

## CHAPTER 171.

VOTE DESIRING HIS HONOR THE LIEUT GOVERNOR TO APPOINT A DAY OF PUBLICK THANKSGIVING.

Legislative Records of the Council, xxi., 20. Mass. Archives, xiii., 679.

IN CONSIDERATION of the many publick Blessings conferd by Almighty GOD upon this Province in the course of the Year past, more especially that He hath been pleased to Bless the Earth and make it fruitful; which calls for our most grateful Acknowledgments

[1] *Sic*, it seems, for "were."

*Voted* that His Hon^r^ the Lieu^t^ Governour be desired with the Advice of the Council to appoint a Day of publick Thanksgiving [1] throughout this Province, for celebrating the high praises of God therefor And that all Servile Labour be forbidden on said Day. [*Passed October 31.*

House Journal, p. 211. Love's Fast and Thanksgiving Days of New England, p. 497.

## CHAPTER 172.

### ORDER IMPOWERING ARNOLD WELLES TO EXPORT PROVISIONS TO SURINAM.

A Memorial of Arnold Welles of Boston, Merchant, praying for Liberty to export a Quantity of Provisions particularly mentioned, to Suranam in the Schooner Industry Christopher Hopkins, Master, upon his giving Security to carry them thither;

Read and

*Ordered* That the Prayer of this Petition be so far granted as that the Comiss^r^ of Impost be and hereby is impowered to take Bonds of One thousand Pounds Sterl^g^ of the Pet^r^ for landing the goods mentioned at the Port of Surrinam; And that the chief Officer of said Vessel on his return make Oath that the said Provisions were Actually landed within the Port aforesaid, and on his taking the Said Oath the said Bonds to be Cancelled. [*Passed October 31.*

Legislative Records of the Council, xxi., 21. Mass. Archives, lxv., 151.

Mass. Archives, lxv., 149. House Journal, pp. 207, 208. Province Laws, iii., 866, chap. 7. *Ante*, p. 362, chap. 84.

## CHAPTER 173.

### VOTE FOR ESTABLISHM^T^ OF GARRISONS WITH PAY, AND SUBSISTENCE, ON THE EASTERN AND WESTERN FRONTIERS.

*Voted* That The following Establishm^t^ be made for the Defence of the Eastern & Western Frontiers of this Province, Viz^t^

That Fort Halifax & y^e^ Store house at Cushnoe be garrisoned with eighty men and no more:

The fort at Brunswick w^th^ five men & no more:

Fort Frederick at Pemmaquid w^th^ twenty men and no more:

The Truck house at S^t^ Georges with thirty five men and no more:

The Truck house at Saco, with fifteen men and no more:

Fort Dummer with four men and no more, the chief Comander to have only Serjeants pay:

Fort Massachusetts with twenty five men & no more:

That for the Garrison at Pontoosuck there be Six men and no more:

For the three Garrisons at Charlemont twelve men and no more

For the three Garrisons at Colerain twelve men and no more:

For the two Garrisons at Fall-Town Eight men, & no more

And that the pay and Subsistence of the Garrison Officers & Soldiers be the same as was provided the 11^th^ June last

This Establishm^t^ to Commence from the fifth day of Nov^r^ next & to Continue to the fifth day of March next following, and no longer.

Also

*Voted* That in Case there be any Men in the pay of the Governm^t^

Legislative Records of the Council, xxi., 21. Mass. Archives, lxxiv., 601.

House Journal, p. 208. *Ante*, p. 343, chap. 41.

[1] The thanksgiving was appointed for December 4, 1755, and was public.

upon the Frontiers which are not herein mentioned That they be discharged: &

That his Honr the Lt Govr & Comr in chief be desired To Give orders accordingly. [*Passed October 31.*

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## CHAPTER 174.

VOTE DESIRING HIS HONOR THE LIEUT GOVERNOR TO DECLARE THE PENOBSCOT INDIANS, REBELS AND ENEMIES, AND FOR ENCOURAGING VOLUNTIERS AGAINST THEM.

Legislative Records of the Council, xxi., 22. Mass. Archives, xxxii., 689.

House Journal, pp. 209, 210. *Ante*, p. 343, chap. 41.

In the House of Representatives,

For as much as upon the Refusal of the Indians of the Penobscut Tribe to take up arms & to act offensively with us against the Arrasagunticook & other Tribes of Indians that have been declared Enemies, Rebels & Traitors to His most sacred Majesty, as by the Treaties subsisting between Us & the said Penobscut Indians, they were obliged to do; and upon divers Hostilities lately committed by them, This House have desired His Honour the Lieut Governour & Commander in Chief to declare them Enemies & Rebels: Therefore

*Voted*, that upon such Declaration being made & publish'd the same Bounty & Encouragement be given & paid out of the Publick Treasury, for every Penobscut Indian Prisoner that shall be brought into Boston, & for every Scalp of a Penobscut Indian that shall be kill'd as have been allowed by this Court, for those of the other Tribes before mentioned; And that all Persons who may go forth or be engaged against the said Penobscuts, be under the same Regulations as have been Ordered in relation to such as should go forth against the other Tribes.

In Council Read & Concur'd. [*Passed November 1.*

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## CHAPTER 175.

ORDER ACCEPTING REPORT OF COMMITTEE ON LETTERS OF GOVR SHIRLEY & GENL JOHNSON.

Legislative Records of the Council, xxi., 24.

Mass. Archives, lv., 27; lxxiv., 610. Legislative Records of the Council, xxi., 20 *bis*, 21, 23 *bis*. House Journal, pp. 210, 214. *Ante*, p. 392, chap. 162.

PROVINCE OF THE MASSACHUSETTS BAY: The Committee appointed to consider the Letters, last received from His Excellency the Governour, & from General Johnson relating to the Army designed against Crown Point; having attended the Service, are humbly of Opinion; That Commissioners from this Governmt repair to the City of Albany, as soon as may be; (And if they judge it convenient, to the Camp at Lake George) And that it be proposed to the other Governments concerned in the Expedition, immediately to send Commissioners thither also, to consider & Determine on the most proper Measures for his Majesty's Service, & the Interest of the several Governments, so far as respects the said Expedition, and to consult with Major General Shirley, if there present: That it be an Instruction from the Commissioners from this Government, That by all prudent Ways & Means in their Power they endeavour that the Expedition may still be carried on to Effect, before the Expiration of the Term of Enlistment, at least that the Army or such part thereof, as shall be necessary be employed for the Removal of the

French from Ticonderogo, and the other Advances they have made on his Majesty's Territories near that Pass; That the Commissioners be impowered to agree & engage for this Governments Proportion of any extraordinary Charge, that may be necessary for the speedy Transportation of the Provisions, and also to engage for a future Additional Allowance of Wages, at the Discretion of the said Commissioners, to such Officers & Soldiers as shall appear well disposed to promote & forward such Transportation, & to undertake such other important Services as may be agreed in the Prosecution of said Expedition within the Term aforesaid;

That the said Commissioners be enjoined to take the most immediate & most effectual Care, that every Provision possible be made for the sick in the Army; either by their immediate Removal, or other Accomodations, in Order to Preserving their Lives & Restoring them to Health; And that every other necessary Provision be made for the Preservation of the Health of the rest of the Army.

In the Name of the Com^tee^ Will^M^ Pepperil

Read &

*Ordered* that this Report be accepted. [*Passed November 3.*

## CHAPTER 176.

### ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

An Accompt presented by Edward Winslow Esq^r^ Treasurer of the County of Plymouth for the last Year, having been laid before the Court of General Sessions of the Peace for said County & by them allowed,

Legislative Records of the Council, xxi., 26. Mass. Archives, ccxlviii., 196.

[Read &]

*Ordered* That this Account be allowed, and that the Balance thereof, being Ten pounds Nineteen Shillings And one peny half peny, the said Treasurer be further Accountable to the said County for. [*Passed November 3.*[1]

Mass. Archives, ccxlviii., 196. House Journal, pp. 13, 31, 195.

## CHAPTER 177.

### ORDER ACCEPTING REPORT OF COMMITTEE ON SICK SOLD^RS^.

The Committee to whom was referred a Letter from John Chandler Esq^r^ to Thomas Hutchinson Esq^r^ having maturely considered the same are humbly of Opinion, that the Vote of this Court of the 27^th^ of September last will be a sufficient Provision with this Addition, viz^t^ That our Commissioners supply such Soldiers with Provisions sufficient for their Support; And that the said Vote be printed & posted along the Road, By Order of the Comm^tee^

James Minot,

Legislative Records of the Council, xxi., 25. Mass. Archives, lxxiv., 612.

Legislative Records of the Council, xxi., 20, 21. House Journal, pp. 174, 216. *Ante*, p. 389, chap. 155.

Read and

*Ordered* That this report be Accepted. [*Passed November 4.*

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is November 4.

## CHAPTER 178.

ORDER IMPOWERING JOHN SCOLLAY TO EXPORT GUN POWDER TO NORTH CAROLINA.

Legislative Records of the Council, xxi., 25. Mass. Archives, lxv., 153.

A PETITION of John Scollay of Boston; praying for Liberty from this Court to ship off three Barrells of Gun Powder in the Brigantеen Peggy for North Carolina, where it is much wanted:

Read and

*Ordered* That the Prayer of this Petition be so far granted as that the Pet$^{r}$ be allowed to ship off the powder, within mentioned in the said Vessel, he giving Bond w$^{th}$ sufficient Sureties in the Sum of One Thousand pounds for the delivery of Said Powder in North Carolina. [*Passed November 4.*

Mass. Archives, lxv., 152. House Journal, p. 215. Province Laws, iii., 866, chap. 7; 949, note.

## CHAPTER 179.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE, &c$^{A}$, FOR THE COUNTY OF SUFFOLK, AND ALLOWING £2. 14 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 25.

THE COMMITTEE for letting out to farm the Excise on Tea, Coffee &c$^{a}$ for the County of Suffolk, reported that they had let out the same to William Whitwell of Boston for Five hundred & five Pounds, & have taken his Bond with Sureties, which they have lodged in the Treasury, Praying to be allowed their Charges,

Read &

*Ordered* that this Report be accepted; and that there be allowed out of the publick Treasury the Sum of Two Pounds fourteen Shillings to the said Committee in full Discharge of their Acco$^{t}$ annexed. [*Passed November 4.*

House Journal, p. 216. *Ante*, p. 372, chap. 108.

## CHAPTER 180.

VOTE APPOINTING ADDITIONAL COMMISSIONERS TO REPAIR TO ALBANY TO FORWARD CROWN POINT EXPEDITION.

Legislative Records of the Council, xxi., 26. Mass. Archives, lxxiv., 618.

THIS DAY being appointed for the Choice of two Commissioners to be added to the Com$^{rs}$ already Chosen to repair to Albany for forwarding the Expedition ag$^{st}$ Crown point when the following Gent$^{n}$ where Chosen by a Major Vote of the Council and House of Representatives viz$^{t}$

Oliver Partridge Esq$^{r}$
Joseph Hawley Esq$^{r}$

[*Passed November 5.*

Legislative Records of the Council, xxi., 25 *bis*, 26. House Journal, pp. 217, 218, 219. *Ante*, p. 393, chap. 166; p. 394, chap. 169.

## CHAPTER 181.

ORDER ALLOWING £500 TO THE COMMISSRS AT ALBANY.

Legislative Records of the Council, xxi., 27. Mass. Archives, lxxiv., 617.

*Ordered* That the Sum of Five hundred Pounds be allowed & paid out of the Public Treasury to the Commissioners appointed to repair to Albany, They to be Accountable. [*Passed November 5.*

House Journal, p. 218. *Ante*, p. 393, chap. 166; p. 394, chap. 169. *Supra*, chap. 180.

## CHAPTER 182.

ORDER GRANTING TO FREELOVE EVERDEN LICENCE TO SELL STRONG DRINK.

A Petition of Freelove Everden of Boston, shewing that her Husband is supposed to be lost being left in a dangerous Storm & never since heard of; by which Means she is left with little or nothing to support her Family, Praying that this Court would impower the Court of General Sessions of the Peace to grant her a Licence to retail spiritous Liquors in Boston,

Legislative Records of the Council, xxi., 27. Mass. Archives, cxx., 63.

Read and

*Ordered* That the Prayer of this Petn be so far granted as that the Justices of the Court of Genl Sessions of the Peace for the County of Suffolk be and hereby are impowered at their present Sessions to grant a Licence to the Petr (if they See fitt) to be a retailer of Spirituous Liquors in the Town of Boston, She Obtaining the Approbation of the Select Men of Sd Town, the Time for Granting of Licenses being elapsed Notwithstanding. [*Passed November 5.*

Mass. Archives, cxx., 62. House Journal, pp. 198, 215.

## CHAPTER 183.

RESOLVE CONFIRMING Mr BOLLANS LATE ACTINGS IN THE AGENCY.

Whereas this Court on the 11th day of June last made Choice of John Sharpe Esqr to be the Agent of the Province in Great Britain in the room of William Bollan Esqr who desired to be discharged from that Trust and whereas the said John Sharpe Esqr has excused himself from accepting the Agency and the said Wm Bollan Esqr has continued to Act for and in behalf of the Province in divers affairs in Great Britain and on the 30th day of Octr last was again Chosen into the Place of Agent.

Legislative Records of the Council, xxi., 27. Mass. Archives, xxi., 399.

Mass. Archives, xxi., 380. House Journal, pp. 223, 224. *Ante*, p. 346, chap. 44; p. 394, chap. 170.

*Resolved* that every matter and thing transacted by the said William Bollan Esqr since his resignation of the Trust of Agent which he might lawfully have done had he not so resigned be and hereby is approved ratified and confirmed. [*Passed November 6.*

## CHAPTER 184.

RESOLVES DEFINING THE POWERS OF THE COMMISSIONERS AT ALBANY.

Legislative Records of the Council, xxi., 28. Mass. Archives, lxxiv., 622.

House Journal, p. 223. *Ante*, p. 393, chap. 166; p. 394, chap. 169; p. 398, chap. 180.

WHEREAS James Minot, John Choate & Samuel Livermore Esq$^{rs}$ were chosen Comm$^{rs}$ by this Court in Consequence of the Report of a Comm$^{ee}$ of both Houses accepted by the Court the 27$^{th}$ of Octo$^{r}$, and for the Purposes mentioned in said Report; And whereas Oliver Partridge & Joseph Hawley Esq$^{rs}$ have been since chosen Comm$^{rs}$ in Consequence of the Report of a Com$^{ee}$ of both Houses accepted by the Court the 3$^{rd}$ Instant;

*Resolved* that the said Ja$^{s}$ Minot John Choate, Oliver Partridge Samuel Livermore & Joseph Hawley Esq$^{rs}$ be & hereby are declared to be the Commiss$^{rs}$ from this Court for all the Purposes mentioned in both of said Reports, Any three of whom to be a Quorum; And whereas in the last mentioned Report the Commiss$^{rs}$ are impowered to engage for a future Additional Allowance of Wages according to their best Discretion, to such Officers & Soldiers as shall appear well disposed to undertake such important Services as may be agreed on in the Prosecution of the Expedition against Crown Point;

*Resolved* that it was the True Intent & Meaning of this Court to include as well matters of the Ordinary Military Service that shall or may readily & chearfully be ingaged in by the Soldiery as also any extraordinary Services that may be found necessary for promoting said expedition, during the Term for which the Soldiers were enlisted. [*Passed November 6.*

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## CHAPTER 185.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE STATE OF THE FRENCH NEUTRALS ON BOARD TRANSPORTS IN BOSTON HARBOUR.

Legislative Records of the Council, xxi., 29. Mass. Archives, xxiii., 6.

Mass. Archives, xxiii., 4, 5. Legislative Records of the Council, xx., 521, 522; xxi., 27. House Journal, pp. 221, 224, 226. Province Laws, iii., 951, note.

THE COMMITTEE appointed to examine into the State of the French Neutrals in the several Transports, now lying in the Harbour of Boston, having attended the Affair are of Opinion that Liberty be given for landing so many of said Neutrals as will reduce those that may be left on board of any Transport, to the Proportion of two Persons to a Tun, The hon$^{ble}$ Benjamin Green Esq$^{r}$ of Halifax having assured the Committee that he will settle the Affairs with the Masters of the Vessells,

Which is humbly submitted: JOSEPH PYNCHON *p* Order

Read &

*Ordered* this report be accepted. [*Passed November 7.*

# CHAPTER 186.

ORDER APPOINTING A COMTEE TO DISPOSE OF FRENCH NEUTRALS.

In the House of Reps

*Ordered* That Mr Speaker Mr Tyng Mr Cooper Mr Gridley and James Bowdoin Esqr with such as the Honl Board shall join be a Comtee (in the recess of the Court) to Order & direct in the disposition of Such of the Inhabtts of Nova Scotia as are or may be sent hither, and that they dispose of them in such manner as may be least Inconvenient to this Govt

In Council Read and Concur'd and Samll Watts, Andrew Oliver, Joseph Pynchon, John Erving and Wm Brattle Esqrs are joined in the Affair. [*Passed November 7.*

Legislative Records of the Council, xxi., 29. Mass. Archives, xxiii., 5.

House Journal, p. 226. *Supra*, chap. 185.

# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE ELEVENTH DAY OF DECEMBER, A.D. 1755.

## CHAPTER 187.

ORDER ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative Records of the Council, xxi., 31. Mass. Archives, xliv., 217.

House Journal, p. 229. Province Laws, iii., 64, chap. 32.

WHEREAS divers of the Justices of the Court of General Sessions of the peace, and Inferiour Court of Common pleas, which by Law are to beholden at Plymouth, in the County of Plymouth, on the third Tuesday of December current are Members of this Court, and the important Affairs of the Province now depending, require their Attendance thereon; Wherefore

*Ordered* that the Courts aforementioned (that were to be held at the time aforesaid) be and hereby are Adjourn'd to the first Tuesday of March next to be held at the Courthouse in said Town of plymouth at ten of the Clock in the forenoon ofsaid Day: and all pleas, Writs, Actions, Suits, Plaints, Processes, Precepts, Recognizances, & other Thing & Things whatsoever returnable, or having Day or Days in the said Courts, Shall stand, abide & Continue unto the said Adjournment, and be held, deemed, and Adjudged to be as good effectual & available in Law, to all Intents Constructions & purposes, as if such Courts had been held & kept on the day by Law for holding the Same, and no Adjournment thereof had been made. [*Passed December 12.*

## CHAPTER 188.

ORDER GRANTING ABRAHAM JACKSON LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xxi., 32. Mass. Archives, cxi., 356.

Mass. Archives, cxi., 355. House Journal, p. 229.

A PETITION of Abraham Jackson, of Newton Retailer, shewing that he was hindred from renewing his Licence at the proper Season, Praying that the Court of General Sessions of the Peace for the County of Middlesex may be impowered to renew his Licence at their present Sitting.

Read, and

*Ordered*, That the Prayer of this Petition be so far granted as that the Justices of the Court of Gen[l] Sessions of the peace for the County of Mid[x] at their present Sitting be and hereby are impowered [1] to grant the Petitioner a Licence to retail spirituous

[1] The words "at their present sitting be and hereby are impowered," are underlined in the Mass. Archives, cxi., 355, 356.

Liquors in the Town of Newton (if they See fitt) He Obtaining the approbation of the select Men of S^d^ Town the Time for granting Licences being elapsed Not withstanding. [*Passed December 12.*

## CHAPTER 189.

VOTE GRANTING LIBERTY TO SHIP GUN POWDER TO ANY OF THE GOVMENTS OF HIS MAJESTY ON THIS CONTINENT.

*Voted* that the Commander in Chief for the Time being, with the Advice of the Council be desired to grant Liberty for for[1] the Shiping of Gun Powder to any of his Majesty's Governments upon the[2] Continent, the Exporter giving sufficient Bond to the Commissioner of the Impost for the landing of the same in one or other of the Ports in the abovement^d^ Governm^ts^. [*Passed December 13.*

Legislative Records of the Council, xxi., 32.

Mass. Archives, vi., 213. House Journal, pp. 216, 231.

## CHAPTER 190.

RESOLVE IMPOWERING WILLIAM AND JEMIMAH HENSHAW WITH THE OTHER HEIRS TO EXECUTE A DEED OF SALE OF REAL ESTATE.

A Petition of William Henshaw, shewing that he intermarried with Jemimah, one of the Daughters & Heirs of Jonathan Furnass, late of Boston dec^d^ (which Jemimah is still in her Minority) Praying that the Pet^r^ may by this Court be impowered to join with the Guardian of the other Minor Children (already impowered by the Court[3]) in selling a House & Land in Boston, left by the said Jonathan to his Children; which will be much to their Advantage read &

*Resolved* that the Prayer of the Petitioner be so far granted that upon the Petitioners W^m^ & Jemima in conjunction with the other Heirs herein mentioned, making a deed of sale of the house & lands within referred to, the same shall to all intents & purposes whatsoever be as valid in Law, as if the s^d^ Jemima was of full age. [*Passed December 16.*

Legislative Records of the Council, xxi., 33. Mass. Archives, xix., 341.

Mass. Archives, xix., 340. House Journal, pp. 233, 235, 236, 240. *Ante*, p. 360, chap. 79.

## CHAPTER 191.

VOTE CALLING A MEETING FOR CHOOSING PRECINCT OFFICERS IN MIDDLEBOROUGH PREC^T^.

Whereas the Two Easterly Precincts of Middleborô by an Act or Order of this Court in June last were reunited into One Precinct, and many inconveniences have Arisen since the uniting of said Precincts for want of proper Precinct officers in said United Precincts: Therefore

*Voted* That Peter Oliver Esq^r^ be and hereby is impowered to issue his Warrant to some Inhabitant of said Precinct as now united, requiring him in his Majesty's name to warn and notify the Inhabi-

Legislative Records of the Council, xxi., 34. Mass. Archives, cxvii., 69.

House Journal, pp. 51, 238, 239. *Ante*, p. 341, chap. 39.

[1] *Sic.*
[2] The amendment in Mass. Archives, vi., 214, reads, "this."
[3] On "the Petition of *Powers Mariot.*" See *ante*, p. 360, chap. 79.

tants of said Precinct qualified to Vote in Town Affairs, that they meet together at such time & place in said Precinct as by said Warrant shall be directed, to choose such Officers as may be necessary to manage the affairs of s[d] Precinct, Untill their annual Meeting in March next; and the Inhabitants being so met, shall be and hereby are impowered to choose such officers accordingly: And the Said Peter Oliver Esq[r] is hereby appointed Moderator of Said Meeting to Order and regulate the same. [*Passed December 17.*

## CHAPTER 192.

VOTE FOR THE PROV[CE] TREAS[R] GIVING BOND &c[A] AND APPOINTING A COMMITTEE ON THE SUFFICIENCY THEREOF.

Legislative Records of the Council, xxi., 34. Mass. Archives, ciii., 379.

Legislative Records of the Council, xxi., 35. House Journal, pp. 237, 238.

In the House of Rep[ves]

*Voted* that no Person that shall be Elected by the Court into the Office of Treasurer and Reciever Gen[l] for this Province for the present Year, shall be esteemed duely qualifyed to enter upon the Execution of that Office, until He shall first have an Oath administred to him for his faithfully performing of his said Office; and shall also give Bond with sufficient Sureties to the acceptance of a Committee app[ted] by this Court for that purpose in the sum of thirty thousand pounds Lawful Money to the three eldest Councellors in the Province for the time being Who are hereby app[ted] a Comm[ee] in behalf of the Province, and especially Authorized for this purpose which Bond shall be condition'd for such Treasurer's truly and faithfully discharging the Duty of His Office according to Law, and for his rendring an Acc[t] when and so often as He shall be required by the Gen[l] Court of all such Sums of Money as He shall from time to time recieve into the Treasury, and for his well and truly paying to His successor in said Office, or to any other Person that may be app[ted] by the Gen[l] Court to recieve the Same all such Sum or Sums of Money, as upon Such Settlement of his said Acc[ts], or otherwise shall be found due and payable from him to the Province provided that the said Bond be put in Suit within two Years next after the Date thereof; otherwise to be Void and of none Effect: and that James Bowdoin Esq[r] and M[r] John Tyng with such as the Hon[ble] Board shall appoint be a Comm[ee] to Judge of the Sufficiency of such as may Offer to become Sureties for the Treasurer as aforesaid.

In Council Read & Concur'd & John Erving Esq[r] is joined in the Affair. [*Passed December 17.*

## CHAPTER 193.

ORDER IMPOWERING MILES WARD, JUN[R], TO EXPORT PROVISIONS TO LEEWARD ISLANDS.

Legislative Records of the Council, xxi., 35. Mass. Archives, lxv., 160.

A PETITION of Miles Ward [Jun.][1] of Salem Merch[t], Praying that he may have Liberty from this Court to send in the Schooner Polley John Hathorne M[r] bound for S[t] Christophers, Anguilla &

[1] Inserted from the House Journal, p. 229.

Tortola, about Fifty Barrells of Beef & Pork, w^ch^ he has provided for the said Voyage.

Mass. Archives, lxv., 159. House Journal, pp. 229, 230, 231, 239, 240.

Read and

*Ordered* That the Prayer of this Petition be Granted; & y^t^ the Comiss^r^ Of Impost or his Deputy be and hereby is impowered to take Bond of One Thousand Pounds Sterling Of the Petitioner with Sureties for landing the Fifty bar^rs^ of Beef & Pork mentioned, at the Island of S^t^ Kitts, Anguilla or Tortola, And that the Chief Officer of said Vessel on his return make Oath that the said Provisions were Actually landed at one or more of the said Islands, and on his taking the said Oath, & producing a Certificate of y^e^ Landing the said provisions from the Officer or Officers of his Majesty's Customs there, the said Bond to be Cancelled. [*Passed December 17.*

## CHAPTER 194.

ORDER IMPOWERING THO^S^ BOYLSTONE TO EXPORT PROVISIONS TO THE BAY OF HONDURAS.

A Petition of Thomas Boylstone of Boston Merchant, Praying for Licence from this Court to send in the Brign^ne^ Rebecca Maccarty Master, to the Bay of Honduras, One hundred Barrells of Provisions with the other part of the Cargo, he giving Bond as usual,

Legislative Records of the Council, xxi., 36.

House Journal, p. 239. *Ante*, p. 270, chap. 261.

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Pet^r^ have Liberty to ship on board the Vessel mentioned, One hundred Barrells of Provisions for the Bay of Honduras; And that the Commissioner of Impost or his Deputy be & hereby is impowered to take Bond of One Thousand Pounds Sterling of the Pet^r^ with Sureties, for landing or disposing of the same at the Bay aforesaid; And that the Master or Chief Officer of the said Vessel on his Return make Oath that said Provisions were landed or disposed of as aforesaid, and on his taking said Oath his Bond to be cancelled. [*Passed December 17.*

## CHAPTER 195.

ORDER IMPOWERING RACHEL HOW, ADMIN^X^, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Rachel How Widow of James How, late of Worcester Dec^d^ & Administ^x^ of his Estate, shewing that there are considerable Debts due therefrom, beyond what the Personal Estate will answer, and to sell a Part of the Real Estate will greatly prejudice the rest, Praying that she may be impowered to sell the whole of the Real Estate,

Legislative Records of the Council, xxi., 36.

House Journal, p. 242. Province Laws, ii., 151, chap. 10.

Read &

*Ordered* that the Prayer of the Petition be granted And the Petitioner is hereby impowered to make Sale of the within mentioned Estate, with the Assistance of M^r^ Phineas Haywood & Timothy Pain Esq^r^ for the most the same will fetch, after due Publication thereof, as is usual in such Cases, she giving sufficient Security to the Judge of Probate for the County of Worcester to accompt for

the Money arising by said Sale, and that the Income of one third Part be applied to the Support of the Pet$^{r}$ after the just Debts are duly paid, the Residue of the two Thirds be divided to & amongst the Heirs of the Deceased according to Law, and that the whole of what shall be coming to the Minor Children be put out to Use for their Benefit, & Advantage by their Guardians. [*Passed December 18.*

## CHAPTER 196.

ORDER IMPOWERING DAVID BANCROFT, ADMIS$^{R}$, TO SELL REAL ESTATE.

Legislative Records of the Council, xxi., 37. Mass. Archives, xix., 343.

Mass. Archives, xix., 342. House Journal, p. 241. Province Laws, ii., 151, chap. 10.

A PETITION of David Bancroft Administrator of the Estate of Nathaniel Bullard, dec$^{d}$ shewing that the said Estate is insolvent, and that the Real Estate must be sold to pay the Debts, and therefore praying that this Court would impower the Petitioner to sell the same accordingly:

Read and

*Ordered* that the prayer of the within Petition be granted and the Petitionr be & hereby is impowered to make Sale of the within Lands to the highest bider and to Execute a good Deed or Deeds of the Same he attending the directions of the Law Relateing to the Publication of the time & place of Sale mentioned in the Act of the Sixth year of his Late Majestys reign Chap 3$^{d}$ and giving due Caution to the Judge of Pro[bate] for the County of Worcester for duely applying the mony ariseing by such sale. [*Passed December 18.*[1]

## CHAPTER 197.

ORDER IMPOWERING ELISA$^{TH}$ LAZEL, EXECUTRIX, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 37. Mass. Archives, xix., 339.

Mass. Archives, xix., 338. House Journal, pp. 235, 243. Province Laws, ii., 151, chap. 10.

A PETITION of Elisabeth Lazel Widow of Jacob Lazel late of Middleborough dec$^{d}$ shewing that the Estate of the said Jacob is much involved by the Debts due from it, that it will be a great Loss to sell only a Part of the Real Estate, Praying that the whole Real Estate may be sold,

Read and

*Ordered* That the Prayer of this Petition be so far granted as that the s$^{d}$ Elisabeth in her Capacity be and she hereby is impowered to make Sale of the House and Land in said Petition mentioned, & to execute a good Deed thereof, she Observing the Directions of the Law in such Cases; And first giving sufficient Security to y$^{e}$ Judge of Probate for the County of Plymouth, that the proceeds Arising by said Sale (after the Debts due from Said Estate are paid) be placed at Interest for the Benefitt of the Heir of said Jacob, and that the said Elizabeth be accountable to the Judge of Probate for the Time being of the County aforesaid for her proceedings in the Premisses & That Cap$^{t}$ Joseph Tincam be desired to Assist with his Advice in the sale of the Said House and Land. [*Passed December 19.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 19.

## CHAPTER 198.

ORDER OF NOTICE ON THE PETITION OF ISAAC THAYER & OTHERS OF WRENTHAM TO BE ANNEXED TO BELLINGHAM.

A Petition of Isaac Thayer, Cornelius Thayer, John Jones, & Ashel Holbrook all of Bellingham, shewing that in the Year 1748 they were annexed to the Westerly Precinct in Wrentham during the Pleasure of the General Court: since which a Baptist Minister is settled in the Town of Bellingham in a Meeting House there erected, near the Petitioners Habitations; Therefore Praying that they may be set off again to Bellingham:

Read and

*Ordered*, That the Petitioners Notify the Westerly Precinct in Wrentham with this Petition by leaving an Attested Copy thereof w$^{th}$ their Precinct Clerk, That they shew Cause (if any they have) on the first Tuesday of the next sitting of this Court, why the Prayer thereof Should not be granted. [*Passed December 19.*

Legislative Records of the Council, xxi., 38. Mass. Archives, xiii., 683.

Mass. Archives, xiii., 682. House Journal, pp. 242, 243. Province Laws, xiv., 201, chap. 168.

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## CHAPTER 199.

ORDER GRANTING JAMES CRAIG LICENCE TO KEEP AN INN.

A Petition of James Craig of Rutland, shewing that he lives upon a Road where an Inn is wanting for the Accomodation of Travellers, Praying that the Court of General Sessions of the Peace for the County of Worcester may be impowered at their next Session to grant him a Licence.

Read and

*Ordered* That the Prayer of this Petition be Granted; And that the Justices of the Court of Gen$^{l}$ sessions of y$^{e}$ Peace for the County of Worcester be and hereby Are impowered at their next Term to grant y$^{e}$ Pet$^{r}$ a Licence (if they see fitt) to keep an house of Public Entertainment in the Town of Rutland he first Obtaining the Approbation of the Select Men of s$^{d}$ Town, the Time for granting Licences being elapsed notwithstanding. [*Passed December 20.*

Legislative Records of the Council, xxi., 39. Mass. Archives, cxi., 358.

Mass. Archives, cxi., 357. House Journal, p. 245.

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## CHAPTER 200.

ORDER ACCEPTING REPORT OF COMMITTEE ON GENERAL ACCOUNT OF PROVINCE TREASURER ENDING MAY 27, 1754 AND DISCHARGING HIM OF £34,328. 7. 8½.

On the General Accompt of Harrison Gray Esq$^{r}$ Treasurer & Receiver General of this Province, begining June 22. 1753, & ending May 27. 1754, with the Report of a Committee of the House of Representatives thereon,

[Report] Read & Accepted &

*Ordered* that Harrison Gray Esq$^{r}$ Province Treasurer be discharged of Thirty four Thousand three hundred & twenty eight Pounds seven Shillings & eight pence one farthing, and be further accountable for Twelve Thousand eight hundred & thirty one Pounds

Legislative Records of the Council, xxi., 39.

House Journal, p. 16.

three Shillings & ten pence, Taxes outstanding, and Ten Thousand four hundred & forty six Pounds fourteen Shillings & ten pence farthing Cash in hand.[1] [*Passed December 20.*

## CHAPTER 201.

ORDER ACCEPTING REPORT OF COMMITTEE ON GENERAL ACCOUNT OF PROVINCE TREASURER ENDING MAY 28, 1755 AND DISCHARGING HIM OF £68,724. 18. 8.

Legislative Records of the Council, xxi., 39.

House Journal, pp. 16, 191, 192.

ON THE GENERAL ACCOMPT of Harrison Gray Esq[r] Treasurer & Receiver General of this Province, begining May 29, 1754, and ending May 28. 1755, with the Report of a Committee of the House of Representatives thereon,

[Report] Read & Accepted, & thereupon

*Ordered* that the Treasurer & Receiver General of this Province be discharged of the several Sums therein mentioned Amounting to Sixty eight Thousand seven hundred & twenty four Pounds eighteen shillings & eight pence, & that he be further accountable to the Province for the Sum of Seventeen Thousand four hundred & seventy two Pounds nineteen Shillings & two pence, the Ballance of the above Accompt remaining in his Hands. [*Passed December 20.*

## CHAPTER 202.

ORDER DIRECTING THE COMMITTEE OF WAR TO PAY £222. 2. 11 TO JOHN MURRAY, ESQ[R].

Legislative Records of the Council, xxi., 38. Mass. Archives, lxxv., 53.

Mass. Archives, lxxv., 52. House Journal, p. 247. *Ante*, p. 296, chap. 325.

A MEMORIAL of John Murray Esq[r] shewing that by Agreement & Direction of the Committee of War, he purchased & sent a Number of Fat Cattle for victualling the Army at Lake George; but having (for Reasons mentioned) supplied more than was contracted for, the Committee of War apprehend they have no Power to pay him more than their Contract, tho' the whole was received of him, Praying that this Court would order Payment to the Pet[r] of the Sum of £222.2.11 still remaining due.

Read and

*Ordered* That the Prayer of this Mem[o] be granted; And that the Com[tee] of War be accordingly directed to pay the Memorialist the sum of Two hundred & twenty two pounds two shill[s] & eleven pence being the Balance of his Acc[t] herewith exhibited. [*Passed December 22.*[2]

[1] Not found in the House Journal.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is December 20.

## CHAPTER 203.

VOTE EXTENDING RELIEF TO ALL SOLDIERS RETURNING IN NEED FROM THE ARMY.

Legislative Records of the Council, xxi., 39. Mass. Archives, lxxv., 55.

*Voted*, That the Order of this Court passed the 27th Sep$^{r}$ last for the relief of Sick & Wounded Soldiers on their Return from the Army und$^{r}$ the Comand of Maj$^{r}$ Gen$^{l}$ Johnson be and hereby is extended to such Soldiers Also as are in health & Stand in need of relief & support till they shall arrive at their respective homes. [*Passed December 22.*

Mass. Archives, lxxv., 54. House Journal, p. 247. *Ante*, p. 389, chap. 155.

## CHAPTER 204.

ORDER ALLOWING £4. 10. 8 TO CORNELIUS CAVENAUGH.

Legislative Records of the Council, xxi., 40. Mass. Archives, lxxv., 14.

A Petition of Benjamin Sweetsir one of the Constables of the Town of Falmouth in the County of York, shewing that one Cornelius Cavenaugh a Supernumerary Soldier at Brunswick Fort, came to the said Town, with his Wife & two Children, that the Select Men warned them away to prevent their being a Charge to said Town, That the said Cavenaugh enlisted on the Expedition ag$^{st}$ Crown Point, that his Wife & Children being sent to Brunswick, were sent back to Falmouth, and from thence by a Warrant from the Select Men there, brought up to Boston, Praying the Directions of this Court referring to the said Woman & Children.

Mass. Archives, lxxv., 13–17. House Journal, pp. 241, 246, 250. *Ante*, p. 260, chap. 234.

Read and

*Ordered*, That The Woman and Children within mentioned be sent to the District of Danvers (where she was brought up) & that She and y$^{e}$ Said Children be put under the Care of the Select Men of s$^{d}$ District till further order from this Court, and that they be and hereby are impowered to receive of the Province Treasurer the Sum of Four pounds ten shill$^{gs}$ & eight pence, due to her husband as part of his wages in the Crown-point Expedition, for which Sum her s$^{d}$ Husband has sent an Order by Lieu$^{t}$ Stimson, the said Sum to be applied towards the Support of the said Woman & Children, and what further Charges they may be at in supporting them as aforesaid, to be paid as this Court shall hereafter Order; And that the Pet$^{r}$ be paid for his Time and Expences about the said Woman & Children by the Town of Falmouth. [*Passed December 23.*

## CHAPTER 205.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA COFFEE, &$^{CA}$, FOR THE COUNTY OF MIDDLESEX AND ALLOWING 30/ 8 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 40. Mass. Archives, cxx., 69.

The Committee appointed to be let out to farm the Excise on Tea, Coffee &c in the County of Middlesex, reported that they had let out the same to M$^{r}$ Ezekiel Price for the Sum of Thirty Pounds, for which they have taken his Bond w$^{th}$ Sureties, and have lodged

Mass. Archives, cxx., 69. House Journal, p. 250. *Ante*, p. 372, chap. 110.

said Bond with the Treasurer, Praying for the Allowance of their Charges in said Affair, amounting to One Pound, 10/8.

Read and

*Ordered* That the Report be Accepted; And That the Province Treasurer pay to the said Committee the sum of thirty Shillings and eight pence in full for their Time and Expences agreeable to their Accomp[t] annexed. [*Passed December 23.*

## CHAPTER 206.

### VOTE DESIRING THE LIEU[T] GOVERNOR TO APPOINT A FAST.

Legislative Records of the Council, xxi., 40. Mass. Archives, xiii., 684.

House Journal, pp. 251, 252. Love's Fast and Thanksgiving Days of New England, p. 497.

THE RIGHTEOUS & AWFUL DISPENSATIONS of Divine Providence in the repeated Earthquakes Inundatations & other Calamities, by which God has been in a signal Manner testifying his holy Displeasure against the Nations in Europe as well as the Inhabitants of these Colonies being a loud Admonition tô humble our selves under the mighty Hand of God & to prepare so to meet him in the Way of his Judments by sincere Repentance to avert the farther Instances of his just Anger against us;

*Voted* that His Honour the Lieut. Govern[r] be desired with the Advice of the Council to appoint a Day of solemn Humiliation & Prayer to be observed thrô out this Province by penitent Confession of Sin & humble Submission to the Righteous Judgem[t] of God, & earnest Prayer for the sanctifying Use thereof & the Restoration of the Divine Favour towards us, with thankful Acknowledgm[ts] of the distinguishing Compassion of Almighty God towards us that while some other Places have been brought into Desolation we have in the late Shakings of the Earth had our Lives & Dwellings mercifully preserved, and that all servile Labour & recreation be forbidden on said Day.[1] [*Passed* December 23.*

## CHAPTER 207.

### ORDER IMPOWERING ELKANAN WINCHESTER AND SAMUEL CHILD, ADMINISTRATORS, TO SELL REAL ESTATE.

Legislative Records of the Council, xxi., 41. Mass. Archives, xix., 326.

Mass. Archives, xix., 325. House Journal, pp. 181, 236, 239. Province Laws, ii., 151, chap. 10.

A PETITION of Elkanan Winchester & Samuel Child Administ[rs] of the Estate of Elkanan Winchester late of Roxbury dec[d] shewing that the Personal Estate falls much short of paying the Debts, and the Real Estate cannot be divided without much Loss; Therefore Praying that they may be impowered to sell the whole Real Estate:

Read and

*Ordered* That the Prayer of this Petition be granted; and that Elkanan Winchester & Sam[l] Child be and hereby are Authorized and impowered to sell the reall Estate of Elkanan Winchester late of Roxbury deceased, for the most it will fetch, and make and execute a good Deed or Deeds of the sale in the Law for the same, they Observing the Law of the Province relating to the Sale of Intestates Estates and giving sufficient Caution to the Judge of Probate for

[1] The fast was appointed for January 8, 1756, and was public.

the County of Suffolk that the money Arising by the Sale thereof shall be disposed of According to the Laws of this Province relating to the Distribution of Intestate's Estates, the Charge of Selling the said House and Lands being first deducted. [*Passed December 23.*

## CHAPTER 208.

ORDER IMPOWERING THE ASSESSORS OF THE DISTRICT OF SHIRLEY TO ASSESS A TAX OF TWO PENCE PER ACRE FOR THREE YEARS ON ALL UNIMPROVED LANDS.

A Petition of James Patterson & John Whitney a Committee for the District of Shirley, setting forth the great Difficulties the Inhabitants there are under to defray the Charge of settling & supporting a Minister, and praying that they may be impowered to lay a Tax on the unimproved Lands in said District of two pence per Acre per Annum for three Years next coming.

Legislative Records of the Council, xxi., 3. Mass. Archives, cxvii., 45.

Read and it appearing that the Proprietors of the Unimproved Lands in the District of Shirley have been Notified agreeable to the within Order of this Court and no Answer being giving[1] in therefore

Mass. Archives, cxvii., 44, 45. Legislative Records of the Council, xxi., 42. House Journal, pp. 171, 255.

*Ordered* that the Prayer of this Pet$^{n}$ be granted and that the Assessors of the District of Shirley be and hereby are authorized and impowered to Assess all the unimproved Lands within the said District for the Term of three Years after the Rate of two pence ℔ Acre ℔ Annum and the Constable or Constables, Collector or Collectors duely Chosen and Quallified according to Law are hereby authorized and directed to Collect the same agreeable to Law in such Case made and provided. [*Passed December 24.*

## CHAPTER 209.

ORDER IMPOWERING SETH BANGS, GUARDIAN, TO SELL A PORTION OF AN ESTATE AND MAKING PROVISION FOR THE PROCEEDS.

A Petition of Seth Bangs, Guardian of Abijah Bangs of Harwich a Minor, shewing that the Father of the said Abijah, by his last Will, proved & allowed, left him several small Parcells of Land with an Incumbrance of Debts to be paid by him, Praying that the Petitioner may be impowered to sell part of said Lands for the Payment of s$^{d}$ Debts & support of the Minor.

Legislative Records of the Council, xxi., 42. Mass. Archives, xix., 331.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as that the Pet$^{r}$ in his said Capacity of Guardian be and hereby is allowed and impowered to make Sale of so much of the reall Estate of y$^{e}$ Said Minor as shall amount to the Sum of Twenty Six pounds thirteen Shillings and four pence, and to make & execute a good & Sufficient Deed or Deeds in Law of the same, he Observing the Rules of y$^{e}$ Law respecting the Sale of Intestate's Estates, and giving sufficient Caution to the Judge of Probate for the County of Barnstable that the neat proceeds thereof be applied to y$^{e}$ payment of the S$^{d}$ Minor's part of y$^{e}$ Debts mentioned, and the overplus thereof to

Mass. Archives, xix., 330. House Journal, pp. 244, 250, 251. Province Laws, ii., 151, chap. 10.

[1] *Sic.*

be applied to Pay the Charges which have arisen or may Arise on maintainance of the said minor since his said Father's decease. [*Passed December 24.*

## CHAPTER 210.

ORDER IMPOWERING DANIEL DAVIS, GUARDIAN, TO SELL PART OF AN ESTATE.

Legislative Records of the Council, xxi., 43. Mass. Archives, xix., 349.

Mass. Archives, xix., 348. House Journal, pp. 246, 251. Province Laws, ii., 151, chap. 10.

A PETITION of Lucy Davis a Minor & Orphan, & Daniel Davis of Barnstable her Guardian, shewing that she is interested one sixth Part in a dwelling House & four Acres of Land with a small Peice of Wood Land, the Profits whereof are very little, Therefore Praying for Liberty to sell the same, which will be much for the Benefit of the Minor,

Read and

*Ordered*, That the Prayer of this Petition be so far granted as that Daniel Davis one of the Petitioners mentioned, in his said Capacity as Guardian, be and hereby is Allowed and impowered to make Sale of the said sixth part of the House & Lands mentioned for the most the same will fetch, and to make and execute a good & Sufficient Deed or Deeds in Law of the same, he observing the Rules of the Law, respecting the sale of Intestate's Estates, He giving sufficient Caution to the Judge of Probate for the County of Barnstable to be accountable to him for the neat proceeds of said Sale. [*Passed December 24.*

## CHAPTER 211.

ORDER ALLOWING £50 TO THE SECRY.

Legislative Records of the Council, xxi., 43.

House Journal, p. 253.

*Ordered* that the Sum of Fifty Pounds be granted & allowed to be paid out of the publick Treasury to Josiah Willard Esq$^{r}$ Secretary of this Province in full for his Service for one Year ending the third of December Currant. [*Passed December 24.*

## CHAPTER 212.

ORDER ALLOWING £92 ADDITIONAL TO THE SECRY.

Legislative Records of the Council, xxi., 43. Mass. Archives, xlix., 449.

House Journal, p. 253. *Supra*, chap. 211.

*Ordered*, That the Sum of Ninety Two pounds be granted and paid out of the public Treasury to Josiah Willard Esq$^{r}$ Secretary of this Province, in Consideration of his extraordinary Services ending on the third of December Current. [*Passed December 24.*

## CHAPTER 213.

ORDER ALLOWING £266. 13. 4 TO THE PROVINCE TREAS$^{R}$.

*Ordered* That the Sum of Two Hundred and Sixty Six pounds thirteen Shillings & four pence be granted and allowed to be paid out of the Public Treasury to Harrison Gray Esq$^{r}$ Treasurer & receiver General of his Majesty's Revenues of this Province for a Year's Service ending this day. [*Passed December 24.*

Legislative Records of the Council, xxi., 43. Mass. Archives, cliii., 381.

House Journal, p. 254.

## CHAPTER 214.

ORDER ALLOWING £100 TO D$^{R}$ EDW$^{D}$ WIGGLESWORTH.

*Ordered*, That there be granted and allowed to be paid out of the public Treasury to the Rev$^{d}$ D$^{r}$ Edward Wigglesworth Hollisian Professor of Divinity at Harvard College in Cambridge the Sum of One hundred Pounds, as a Gratuity in Consideration of his faithfull discharge of the great & important Trust reposed in him, & for his further encouragement therein. [*Passed December 24.*

Legislative Records of the Council, xxi., 43. Mass. Archives, lviii., 418.

House Journal, p. 253.

## CHAPTER 215.

ORDER ALLOWING £90 TO JN$^{O}$ WINTHROP, ESQ$^{R}$.

*Ordered* That there be granted and allowed to be paid out of the public Treasury to John Winthrop Esq$^{r}$ Hollisian Professor of the Mathematicks & natural Philosophy at Harvard College in Cambridge the Sum of Ninety Pounds as a gratuity, in Consideration of his faithful Discharge of that Trust reposed in him, and for his further encouragement therein. [*Passed December 24.*

Legislative Records of the Council, xxi., 43. Mass. Archives, lviii., 418.

House Journal, p. 253.

## CHAPTER 216.

ORDER ALLOWING £20 TO M$^{R}$ JUDAH MONIS.

*Ordered* That there be granted and paid out of the public Treasury to M$^{r}$ Judah Monis Hebrew Instructor at Harvard College in Cambridge the Sum of twenty Pounds as a Gratuity in Consideration of his faithful discharge of that Trust reposed in him, & for his further encouragem$^{t}$ therein. [*Passed December 24.*

Legislative Records of the Council, xxi., 43. Mass. Archives, lviii., 418.

House Journal, p. 254.

## CHAPTER 217.

ORDER ALLOWING £75 TO THE CLERK OF THE HOUSE.

Legislative Records of the Council, xxi., 44. Mass. Archives, xlix., 447.

House Journal, p. 254.

*Ordered* That there be granted and Allowed to be paid out of the public Treasury the Sum of Seventy five pounds to Henry Gibbs Esq[r] Clerk of the House of Representatives for his Service during the several Sessions of the General Court the Current Year. [*Passed December 24.*

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## CHAPTER 218.

ORDER ALLOWING £60 TO THE DOOR KEEPER.

Legislative Records of the Council, xxi., 44. Mass. Archives, xlix., 448.

House Journal, p. 254.

*Ordered* That there be allowed and paid out of the Public Treasury the Sum of Sixty Pounds to William Baker Door-keeper to his Excellency the Governor & this Court, for his Service for one year to be paid quarterly: and Also y[e] further Sum of Forty Pounds in consideration of his Expence in hiring assistance, and extroadinary Care & Trouble as Door-keeper. [*Passed December 24.*

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## CHAPTER 219.

ORDER ALLOWING £50 TO LIEU[T] JOHN LARRABEE.

Legislative Records of the Council, xxi., 44.

House Journal, p. 254.

*Ordered* that there be granted & allowed to be paid out of the publick Treasury to John Larrabee, Lieuten[t] of his Majesty's Garrison at Castle William the Sum of Fifty Pounds, in Consideration of his faithful Discharge of that Trust reposed in him. [*Passed December 24.*

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## CHAPTER 220.

Legislative Records of the Council, xxi., 44. Mass. Archives, xiii., 685.

House Journal, p. 254.

ORDER ALLOWING £40 TO M[R] JOHN PHILLIPS, CHAPLAIN OF CASTLE WILLIAM.

*Ordered* That there be granted and Allowed to be paid out of the public Treasury to M[r] John Phillips Chaplain of his Majesty's Castle William the Sum of Forty Pounds as a Gratuity for his Service in that Trust for one year. [*Passed December 24.*

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## CHAPTER 221.

Legislative Records of the Council, xxi., 45. Mass. Archives, xlix., 446.

House Journal, p. 254.

ORDER ALLOWING £12 TO THE CHAPLAIN OF THE COURT.

*Ordered* That there be allowed & paid out of the public Treasury the Sum of Twelve pounds to the Rev[d] M[r] Ebenezer Pemberton Chaplain to the Hon[ble] Board & the House of Representatives the present Year. [*Passed December 24.*

## CHAPTER 222.

ORDER IMPOWERING ISAAC TAYLOR, ADM$^{R}$, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Isaac Taylor of Barnstable, Administrator of the Estate of Malachi Baxter dec$^{d}$ shewing that the whole Estate is of little Value more than the Debts of the Dec$^{d}$ and that it will be a great Loss to divide the Real Estate; Therefore Praying that he may be impowered to sell the whole Real Estate.

Legislative Records of the Council, xxi., 45. Mass. Archives, xix., 347.

Read and

*Ordered*, That the Prayer of this Petition be granted, and that the Pet$^{r}$ be and hereby is allowed & impowered in his said Capacity of Admin$^{r}$ to make Sale of the whole of the reall Estate mentioned for the most it will fetch, and to make and execute a good & sufficient Deed or Deeds in Law of the same, he Observing the Rules of y$^{e}$ Law respecting the Sale of Intestates' Estates and giving Sufficient Caution to the Judge of Probate for the County of Barnstable that the proceeds thereof be applied to the payment of the Debts mentioned, and that the overplus thereof (if any there be) be secured for the Benefitt of the Children of the said deceased mentioned. [*Passed December 24.*

Mass. Archives, xix., 346. House Journal, pp. 246, 251. Province Laws, ii., 151, chap. 10.

## CHAPTER 223.

ORDER SETTING OFF DIVERS INHABITANTS WITH THEIR ESTATES FROM THE FIRST PRECINCT IN BROOKFIELD TO THE THIRD PRECINCT.

On the Petition of Jabez Upham & others of Brookfield, [*ante*, p. 336, chap. 27]

Legislative Records of the Council, xxi., 44. Mass. Archives, cxvii., 15.

Read together with the papers Relative thereto, And

*Ordered* that the Petitioners with their Estates (Excepting a Small peice of Land lying Near the Meeting house in the first precinct belonging to the Petitioner Upham) be annexed to the third precinct in Brookfield their to Doe Duty and Receive priviledge As the other parishioners, and that upon the petitioners within Two months paying One half of the Sums which they are Respectively Taxed toward the Sum of One hundred & fifty pounds as Set forth in Said Petition they be freed from any further demand. [*Passed December 26.*[1]

Mass. Archives, cxvii., 14. House Journal, pp. 39, 140, 257, 258. *Ante*, p. 336, chap. 27.

## CHAPTER 224.

ORDER IMPOWERING ISAAC BENNET, ADM$^{R}$, TO SELL LAND.

A Petition of Isaac Bennet of Middleborô, Administrator of the Estate of his late Father Isaac Bennet of said Place dec$^{d}$ shewing that the Personal Estate is not sufficient to pay the Debts, therefore praying that he may be impowered to sell some Out Lands for paying the Debts still due.

Legislative Records of the Council, xxi., 9. Mass. Archives, xix., 329.

Read &

*Ordered* that the Petitioner be allowed in his Capacity (as

Mass. Archives, xix., 327, 328. Legislative Records

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 24.

of the Council, xxi., 44. House Journal, pp. 180, 181, 183, 257. Province Laws, ii., 151, chap. 10.

Adm[r]) to make Sale of so much of the out Lands of the within named Deceas'd as will amount to the Value of Sixty Pounds, He observing the Law respecting the Sale of Real Estates & giving Caution to the Judge of Probate for the County of Plimouth that the Produce thereof be applied for the Paym[t] of the just Debts of the Deceased; The Overplus if any there be to be applyed for the Benefit of the Heirs of the said Deceas'd according to Law. [*Passed December 26.*[1]

## CHAPTER 225.

ORDER ACCEPTING THE REPORT OF THE COMMITTEE IN REGARD TO RIGHTS TO LAND IN THE PLANTATION OF PAQUOIG.

Legislative Records of the Council, xxi., 46. Mass. Archives, cxvii., 71, 74.

House Journal, pp. 181, 234, 243, 259, 260, 261. Province Laws, xiv., 580, chap. 106; 715, chap. 217.

THE COM[TEE] appointed by this Hon[ble] Court on the 11[th] of April 1753 on the affairs of Poquioge and particularly to Execute the order of this Hon[ble] Court of the 10[th] of January preceeding beg Leave to Report

That they have Twice met together at said Place viz[t] in May 1753. & in Oct[o] 1754 to Inform themselves of y[e] state of said Plantation and to ascertain which of y[e] originally admitted Settlers had fullfilled the Terms and Conditions Enjoyned upon them by this Hon[ble] Court to be performed on their respective proposed Rights and upon Enquiry the Com[tee] find that in addition to y[e] Twenty Two Rights which by the afores[d] Order of January 10[th] are by the Hon[ble] Court Confirmed to the original Settlers or their assigness. there were in october 1754. Sixteen other Rights on which the said Creditors[2] were then performed viz[t] the following

| | | |
|---|---|---|
| Edward Goddard D[r], | William Higgins | Richard Crouch |
| Daniel Eppes | Daniel Fiske | Joseph Brown |
| Samuel Eppes | Benjamin Townsend | Stephen Fay |
| Gad. Wait | Jonathan Moreton | John Wallis |
| Benoni Twitchell | Joshua Dickinson | |
| Samuell Willard | William Chandler | |

and the said Comitte are humbly of Opinion that the said Sixteen Rights or shares should be by this Hon: Court confirmed to the said original proposed Settlers or their Heirs where any of them may be Deceased and in Such Case where any of them have Conveyed their said Right to others the same should be Confirmed to y[e] Grantees or Possessors of Such Rights yet not without this Condition that they pay within months all arrears of Taxes that have been heretofore set or raised on such Rights by the supposed Proprietors of said Plantation or that Provision be made for the sale of so much of said Rights as may be Sufficient for the Payment of Such Taxes as were made before January. 10[th] aforesaid and are unpaid by Such Persons & in such manner as this Hon: Court shall order and that such Confirmation should not Lessen the authority of said Prop[s] respecting Taxes made since said 10[th] Day of January given them by said order of that Date

And whereas Thomas Hapgood an admitt[d] settler did Early begin Improvements on his Right & Build a House on the same and then sold the House Lott to one Nathan Wait and took his Bond to Compleat the Settlement which has been Cheifly if not wholly done by

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 24.

[2] *Sic*, it seems, for "conditions."

Wait (Residency only Excepted) & whereas the said Hapgood and Two of his sons are since Deceased and a Surviving Son is proposed by his Guardian to settle on said Right as Soon as he arrives at age the Com^tee^ humbly propose the same should be Confirmed to said Hapgoods Heirs

The Comitte would further Report that they find upon Enquiring that the Terms of Settlement have not been performed on the other Remaining Twenty one Rights that they had no Doubt of the Province Right, to reassume those Lands. nor of their Power by the order aforesaid of making Sale of the same on the Conditions therein Limitted, yet that they have heitherto omitted So to do or to proceed further partly by Reason of their Distance from Each other and from the Lands & partly by necessary attention to their own Private affairs but Cheifly for the following Reasons viz^t^ they find the affairs of said Plantation with respect to their Rights greatly perplexed and attended with uncomon Difficultys Every of them being attended with Some material Circumstances peculiar to it self too many here to Enumerate. different Degrees of Improvement have been made on most of them thô none compleated. Particular Lotts of many of them have been sold by the Settlers to other Persons honest Purchasers for Valuable Considerations which Purchasers Some of them holding only by Deeds of Release yet have made some Considerable Improvements on Such Parts of Rights so purchased and y^e^ Comitte apprehended that a Sale of the whole of Such Rights in Gross as forfeited Rights would operate to the great prejudice of such Honest Purchasers Contrary to the True Design of the Hon^l^ Court.

The Comitte were of opinion that the Diversity of y^e^ Circumstances of their Rights afforded a reasonable Foundation for a Diversity of proceeding in the several Cases which they apprehended their Comision would not admitt and that it might probably be more agreable to the Goodness and Justice of the Government in other like Cases and most Just to particular Persons that this Comitte or Rather some other if the Hon: Court pleases might be Impowered to sell the whole or any part of Such Rights and on Such Conditions as on a Consideration of the Circumstances of every particular Case they may Judge most likely to answer the good Designs of the Honorable Court with Respect to Such Delinquents and at the same Time in the best manner promote the Interest of this Particular Place

All which is humbly Submitted

℔ John Chandler
John Worthington } Com^tee^
Phineas Heywood

Read & thereupon

*Ordered* that this Report be so far accepted as that the sixteen Rights in the Plantation of Poquoag laid out to Edward Goddard & others in said Report mentioned be and hereby are confirmd to them their heirs & assigns respectively provided and it is upon this Condition that they pay by the first day of may next all arrears of Taxes that have been heretofore set or raised on such Rights by the proprietors or intended proprietors of said Plantation, but upon failure of paying said Taxes by the time aforesaid, the Committee hereafternamed shall dispose at publick Sale of so much of each of said Rights as may be sufficient for the payment of the Taxes aforesaid set upon each right respectively and the remainder of such

Right shall be confirmed as aforesaid; and Whereas there is a number of Rights in said Plantation on which the Terms of Settlem$^{t}$ have not been perform'd whereby they still remain the property of this Government but being under different circumstances afford a reasonable foundation for a Diversity of proceeding, It is hereby

*Ordered* that John Chandler and John Worthington Esq$^{rs}$ & m$^{r}$ Phinehas Heywood (who made the afores$^{d}$ Report) be the Committee and they are hereby impowered to Sell the whole or any part of such Rights on such conditions as the consideration of such different circumstances and the General Interest of said Plantation may require and they are hereby appointed a Committee also to make Sale of so much of the 16 Rights aforesaid as shall be sufficient for the payment of the Tax afores$^{d}$ first giving notice of the time and place of such Sale by posting the same in some publick place in the plantation afores$^{d}$ and publishing thereof in one of the Boston News papers at least Thirty days before such Sale: and Whereas there are twenty one Rights in s$^{d}$ Poquoag which have been confirmed to Zachariah Field & others by the order of this Court of the 10$^{th}$ January 1752 on which, or some of which the Taxes heretofore set have not been paid, the said Committee are hereby further Impowered to Sell as aforesaid so much of each of said Rights as shall be sufficient to pay the Taxes afores$^{d}$ provided the said Taxes be not paid by the first of may afores$^{d}$ the said Committee giving Notice of time & place of such Sale as afores$^{d}$: and the said Committee shall dispose of the Rights which they are impowerd to Sell as afores$^{d}$ in such manner as that there shall be at least Sixty settlers within the Plantation afores$^{d}$; and they are hereby directed to proceed w$^{th}$ all possible Dispatch upon the Business afores$^{d}$ and they shall make Report of their proceedings to this Court for confirmation: and the Inhabitants of said Plantation are hereby authorized & Impower'd to assemble together from time to time for the space of two Years from the first of January 1756 & when so assembled by a major Vote shall Grant such monies as may be necessary to pay what they may be indebted to their minister & what may be necessary for his further Support, for Repairs of Highways in s$^{d}$ Plantation, and for the payment of such officers as they may employ in the management of their public affairs, and shall choose a Clerk, assessors & Collectors who shall be sworn to the faithfull Discharge of their Trusts: said assessors to raise the Monies so granted equally upon the Original Shares or Rights in said Plantation exclusive of the Ministers, the ministerial & School Rights, and exclusive of the Rights upon which the Terms of Settlement have not been perform'd as afores$^{d}$ provided that these last mentioned Rights shall be subjected to the payment of such monies rais'd as afores$^{d}$ after the Committee afores$^{d}$ have made Sale of them as afores$^{d}$: and in case the Taxes afores$^{d}$ shall not be paid within three months after the said assessors have exhibited their Tax Bills to the persons owning said Rights or advertising the said Persons by inserting the Copy of the Tax List in one of the Boston News papers for three weeks successively then so much of their Rights as shall be sufficient to pay said Taxes and the Charges attending the Sale shall be sold at public Auction by the said Assessors who shall give notice of the time & place of such Sale in one of the news papers afores$^{d}$ at least two months before such Sale & Shall post up a Notification of such Sale in the most public part of s$^{d}$ Plantation at least one month before it shall take place: and the monies arising by said Sale shall be applied to the services afores$^{d}$, and for Payment of the

Charges of said Sale and the Notifications afores$^{d}$ and Joseph Lord Esq$^{r}$ a principal Inhabitant of s$^{d}$ Plantation is hereby impowered & directed to call a meeting for the purposes afores$^{d}$ by posting up in some public place in said Plantation a notification setting forth the time place & occasion of the said Meeting fourteen days at least before hand; and afterwards the Clerk which they shall choose shall warn their Meetings in like manner during the two Years aforesaid. [*Passed December 26.*

## CHAPTER 226.

ORDER ALLOWING £4 TO JASON BADCOCK.

A Petition of Jason Badcock of Wesborô, a Soldier in the Army under General Johnson, shewing that he received several Wounds from the Enemy, by which he is disabled from Labour, Praying for some Support from this Court.

Legislative Records of the Council, xxi., 47. Mass. Archives, lxxv., 12.

Read and

*Ordered*, That the Prayer of this Pet$^{n}$ be so far granted, as that there be allowed and paid out of the public Treasury to M$^{r}$ Francis Whipple the Sum of four pounds for y$^{e}$ Use of the Pet$^{r}$ in Consideration of his Sufferings mentioned. [*Passed December 26.*

Mass. Archives, lxxv., 12. House Journal, pp. 243, 244, 257.

## CHAPTER 227.

ORDER SETTING OFF DIVERS PERSONS WITH THEIR ESTATES FROM BROOKFIELD TO WARE RIVER PARISH.

A Petition of Ebenezer Gilbert, Henry Gilbert, Oliver Gilbert & Samuel Dunsmore, Inhabitants of Brookfield, setting forth their great Inconvenience for attending the publick Worship in any of the Parishes in the said Town, and therefore praying that they & their Estates may be set off to the Parish on Ware River.

Legislative Records of the Council, xx., 470. Mass. Archives, cv., 508.

Read and it appearing That the first precinct in Brookfield and the Parrish of Ware River have been duely Served with Copys of this petition & no answer made thereto

*Ordered* that the prayer of the petition be Granted and that the Petitioners with there Estate where they Live be annexed to Said Parrish at Ware River there to do duty & Receive previledge as other Inhabitants there do & that all such Sums as have been assessed on them Since the dividing of the first parish be abated them in Brookfield. [*Passed December 26.*

Mass. Archives, cv., 507. Legislative Records of the Council, xxi., 47. House Journal, pp. 50, 262. *Ante*, p. 149, chap. 349.

## CHAPTER 228.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PETITION OF THE MATTAKESEET INDIANS IN REGARD TO LEASES OF THEIR LANDS.

A Petition of *Patience Thomas* and *Caleb Brand*, Indians of *Pembrooke*, praying that a Lease made by their Guardians of their Lands to *Henry Joslyn* and others, may be set aside &c. for the Reasons mentioned.

Legislative Records of the Council, xxi., 47. House Journal, p. 282 (April, 1755).

Mass. Archives, xxxii., 698.

House Journal, pp. 258, 262. Province Laws, xiv., 718, chap. 221.

The Committee to whom was referred the Petition of Patience Thomas & others Matakeset Indians, having considered thereof as far as they are at present able to do; And the Lessees being willing to heave up their Leases humbly report their Opinion that Gamaiel Bradford Esq[r] & other Guardians of said Indians, take this Pet[n] & others relating thereto into Consideration, & to report their Opinion, as soon as may be, What will be best to be done in the Affair, so that the Indians may reap the most Profit that may be made of their Land; And the Petition ly before the Court for further Consideration. By Order of the Com[tee]

JOHN CHANDLER.

Read and Accepted. [*Passed December 26.*

## CHAPTER 229.

ORDER GRANTING TO RICH[D] RINDGE LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xxi., 48. Mass. Archives, cxx., 74.

Mass. Archives, cxx., 73. House Journal, p. 259.

A PETITION of Richard Ringe of Marblehead, shewing that he is conveniently situated for retailing spirituous Liquors to the Fishery, for which he has obtained the Approbation of the Select Men of said Town, Praying that the Court of General Sessions of the Peace for the County of Essex may be impowered at their next term, to grant him a Licence:

Read and

*Ordered* That the Prayer of this Pet[n] be so far granted, as that the Justices of the Court of Gen[l] sessions of the Peace for the County of Essex be and hereby are impowered at their next Term to grant the Pet[r] a Licence (if they see fitt), to be a retailer of Spirituous Liquors in the Town of Marblehead, he Obtaining the Approbation of the Select Men of Said Town, the Time for granting Licences being elapsed Notwithstanding. [*Passed December 26.*

## CHAPTER 230.

ORDER IMPOWERING SAM[L] BUCK, JUN[R], GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 48. Mass. Archives, xix., 350.

House Journal, pp. 261, 262.

A PETITION of Samuel Buck jun[r] of Sutton Guardian of Jonathan, David & Sarah Fiske Minors, shewing that they have a Right in two hundred Acres of Land lying in Sudbury, being part of the Estate of their Grandfather Jonathan Fisk of Sudbury dec[d] Praying for Liberty to sell the said Minors Interest, which will be much for their Advantage:

Read and

*Ordered* that the prayer of the Petition be So far Granted as that the Petitioner be & he is hereby Impowered & Inabled to Make Sale of Said Minors Interest in the Lands mentioned in this petition for the most the same will fetch, The petitioner Notifying the time & place of Sale in writing by posting up y[e] Same in Sudbury where the Lands lye & in one of the Boston News Letters for three weeks Successively and the mony ariseing by such sale to be put out on Interest for the advantage & benefitt of the Minors the Petitioner

giving Sufficient Caution to the Judge of Probates for the County of Worcester to be accountable for both principall & Interest. [*Passed December 26.*

## CHAPTER 231.

ORDER IMPOWERING JOSEPH COMECHA, INDIAN, TO SELL LAND.

A Petition of Joseph Comeheca of Natick Indian shewing that he has met with divers Misfortunes, by which Means & his Charge in building a House & digging a Well he is put into Prison for Debt, Praying that he may be allowed to sell Thirty Acres of his Land for paying said Debt.

Legislative Records of the Council, xxi., 48. Mass. Archives, xxxii., 702.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as that the Petr be and hereby is impowered with the Consent of the Guardians of the Natick Indians, to make Sale of Thirty Acres of his Land mentioned, the Produce thereof to be applied to the discharge of his sd Debts, & to purchase a Cow for the Support of his family; the said Guardians to take Care that the Lands so disposed of may be such as as[1] they Judge shall be of least Damage to the Petitioner. [*Passed December 26.*

Mass. Archives, xxxii., 701. House Journal, pp. 256, 258. *Ante*, p. 110, chap. 256.

## CHAPTER 232.

ORDER IMPOWERING JOSHUA BRAND, INDIAN, TO SELL LAND.

A Petition of Joshua Brand of Needham Indian, shewing that he has purchased some Lands in Bridgewater, which belonged to his Father & Brother now decd and has given Bond for the same praying that he may be allowed to sell Sixteen Acres of his unimproved Lands in Natick for discharging his said Bonds, & paying the Expences of his Suit with Nathaniel Bullard now decd

Legislative Records of the Council, xxi., 49. Mass. Archives, xxxii., 693.

Read and

*Ordered*, That the Prayer of this Petition be so far granted as that the Petr be and hereby is impowered, with the Consent of the Guardians of the Natick Indians to make sale of Sixteen Acres of his unimproved Lands mentioned, the proceeds thereof to be applied to discharge his Said Debts And for the other purposes mentioned; the said Guardians to take Care that the Lands so disposed of may be such as they Judge shall be of least Damage to the Petitioner. [*Passed December 26.*

Mass. Archives, xxxii., 692. House Journal, pp. 255, 256, 258, 259. *Ante*, p. 110, chap. 256.

## CHAPTER 233.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF LITTLETON PROPRIETORS FOR LEAVE TO RE-ENTER AN ACTION.

A Petition of the Proprietors of the Undivided Lands in Littleton shewing that Peter Bulkley obtained a Judgment against them at the Superiour Court held in the County of Suffolk in August

Legislative Records of the Council, xxi., 49. Mass. Archives, cxvii., 48.

[1] *Sic.*

Mass. Archives, cxvii., 46. House Journal, p. 263.

last, by Means of the Neglect of their Agent, on whom they confided, Praying that they may be impowered to re-enter the said Action at the next Superiour Court for said County & pursue it to finall Issue, & that Execution may be stayed in the mean time.

Read and

*Ordered*, That the Prayer of this Petition be so far granted as that the Pet$^{r}$ serve the Adverse Party m$^{r}$ Peter Buckley, or M$^{r}$ Sam$^{l}$ Swift his Attorney with a Copy of this Petition that he shew Cause (if any he have) on the first Tuesday of Jan$^{y}$ next if this Court be then then[1] sitting, if not, then on the first Wednesday of their next Sitting Why the Prayer thereof Should not be granted, and that Execution be staied in the mean Time Provided the Petitioner give sufficient Caution to the Sheriff of the County of Suffolk to pay all Such Sum or Sums of Money as shall be finally Adjudged due together with Lawfull Interest for the same. [*Passed December 26.*

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## CHAPTER 234.

ORDER ACCEPTING REPORT OF COMMITTEE AND IMPOWERING THO$^{S}$ BRYANT TO REVIEW AN ACTION.

Legislative Records of the Council, xxi., 13, 50. Mass. Archives, xliv., 209.

Mass. Archives, xliv., 200-208. Legislative Records of the Council, xxi., 48. House Journal, pp. 189, 259, 262, 264, 265.

A PETITION of Thomas Bryant of Scituate shewing that in a Cause depending between him & Joseph Stetson at the Superiour Court of Judicature for the County of Plymouth, held in July last, the Parties left the Matter to a Reference & the Referrees reported in favour of the said Stetson; and Judgment was made up accordingly; And for as much as there was a Mistake in a principal Evidence given in to the Referrees; Praying that the said Judgment may be vacated, and the Matter re-committed to the same Referrees.

The Committee to whom were referred the Petitions of Thomas Bryant, & Joseph Joslyn, having fully heard the Parties, Report thereon,

That the said Thomas be & hereby is authorized & impowered to review his Action aforesaid at the next Superiour Court of Judicature &c, to be holden at Plymouth in & for the County of Plymouth on the third Tuesday of July next; that the Justices of said Court are hereby fully authorized & impowered in every Respect to hear, try, determine, make up Judgment & award Execution thereon, as if the same had been before them by Appeal or Review, Provided that the Judgment which may be then obtained shall not by any Means affect or prejudice the Title that the said Joseph may have to the Lands upon [which][2] Execution, was duly levied, & Seizin thereof in due Form of Law given to Joseph Stetson & fairly purchased of the said Joseph by the said Joslyn;

By Order of the Com$^{tee}$ W$^{M}$ BRATTLE,

Read &

*Ordered* that this Report be Accepted and that the Pet$^{r}$ Thomas Bryant be and hereby is impowered to prosecute his Action &c accordingly. [*Passed December 27.*

[1] *Sic.*

[2] Inserted from Mass. Archives, xliv., 209.

# CHAPTER 235.

ORDER APPOINTING A COMMITTEE FOR DISPOSING OF EXPATRIATED FRENCH INHABTS OF NOVA SCOTIA.

In the House of Reps

Whereas a considerable number of the Inhabitants of Nova Scotia arrived here the 26 Inst being removed by the Govr & Council of that Province for the Security thereof: and no provision being made for their support here, they are in great danger of suffering during this rigorous Season without the Interposition of the Court.

*Ordered* that Mr James Russell Mr Cooper & Mr Hall with such as the Honble Board shall join be a Committee to provide for the Support of such Inhabitants of Nova Scotia until Advice may be had from Govr Lawrence and his Orders concerning them; or until there may be an oportunity of applying to his Excelly General Shirley, Comdr in chief of his Majestys Forces in North America for his directions, concerning them. And the Committee are to dispose of them in the mean time in such Towns within this Province as they shall judge least inconvenient to the public; and the Selectmen or Overseers of the Poor of the several Towns to which they may be sent as aforesaid are hereby authorized & required to receive them; and employ or support them in such manner as shall incur the least Charge. And the said Inhabitants of Nova Scotia being so received & entertained in any Town shall not be construed or understood to be an Admission of them as Town Inhabitants: the Court relying upon it that some other provision will be made for them without any Expence to this Government.

In Council Read and Concur'd and Samuel Watts and William Brattle Esqrs are joined in the Affair. [*Passed December 27.*[1]

Legislative Records of the Council, xxi., 51. Mass. Archives, xxiii., 15.

Legislative Records of the Council, xxi., 32, 34, 50. House Journal, pp. 266, 267. Province Laws, iii., 958, note. *Ante*, p. 401, chap. 186.

# CHAPTER 236.

ORDER ON THE PETITION OF PRINCE VITTO CONFIRMING THE VALIDITY OF A DEED.

A Petition of Prince Vitto Negro Man, late Servant to the late Revd Mr Oliver Peabody decd shewing that Job Comicha of Natick Indian, being charged with the Maintenance of a Bastard Child, his Aunt Mary Ephraim having Estate & no Children prevailed upon the Petr (who had saved some Money by his Labour) to purchase five Acres of Land of her, that with the Produce thereof she might free her said Nephew from Imprisonment, which accordingly he did, paying her £16.13.4 for the same, & took her Deed of Conveyance which he tho't he might lawfully do, and now the said Indians would defeat him of any Benefit of the said Purchase, Praying that this Court would confirm his sd Deed.

Read and

*Ordered* that the prayer of this petition be Granted and that the Deed referred to in the petition be held good and Valid in the law to all intents and purposes and the land thereby Conveyed be and

Legislative Records of the Council, xxi., 51. Mass. Archives, ix., 392.

Mass. Archives, ix., 390. House Journal, pp. 240, 266.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is December 29.

hereby is Confirmed to the pet[r] in as full and Ample manner and sort as tho: the said Deed had been passed by order of this Court. [*Passed December 29.*[1]

## CHAPTER 237.

ORDER IMPOWERING SARAH STEVENS, ADM[X], TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 55. Mass. Archives, xix., 337.

Mass. Archives, xix., 335. House Journal, p. 270. Province Laws, ii., 151, chap. 10.

A PETITION of Sarah Stevens Widow & Administ[x] of the Estate of Samuel Stevens late of Stow in the County of Middlesex dec[d] shewing that the Debts on the said Estate are more than the Personal Estate, Praying that she may be impowered to sell so much of the Real Estate as will be necessary for the Payment of the Debts & Support of the Family of the dec[d]

Read &

*Order'd* that the Prayer of this Petition be granted and that the Petitioner be, and she is hereby impowered (in her said Capacity) to make Sale of so much of the Real Estate of the said Intestate, (not exceeding the value of Sixty Pounds Lawfull money) where it can be spared with least Prejudice to the whole Estate, for discharging the said Deceaseds just Debts & support of his Family, she giving previous publick Notice of such intended Sale agreable to the Direction of the Law, relating to the Sale of Real Estates by Executors & Administrators: Provided the said Petitioner give sufficient Caution to the Judge of Probate for Middlesex that the Proceeds of such sale shall be applyed (so far as shall be necessary) for the Purposes aforesaid and that she shall [be][2] accountable for the Remainder. [*Passed January 14.*

## CHAPTER 238.

VOTE IN REGARD TO GRANTING LICENCES TO ABSENT INNHOLDERS & RETAILERS.

Legislative Records of the Council, xxi., 56.

Mass. Archives, cxx., 75. House Journal, pp. 272, 273, 274. *Ante*, p. 390, chap. 160.

WHEREAS divers who were Innholders, & Retailers the last Year in several Counties within this Province were, (at the Time, by Law appointed for granting Licences in such Counties respectively) absent in his Majesty's Service; by Reason whereof they had no Opportunity of taking the Oath by Law required respecting their having received or paid within this Government, any Bill or Bills of the Neighbouring Governments of Connecticut, Rhode Island, or New Hampshire, in Order to qualify them to receive their Licences; Therefore

*Voted* that the Courts of General Sessions of the Peace in the several Counties within this Province be & they are hereby authorized to grant Licences, (if they see Cause) to such Retailers & Innholders as aforesaid, upon their obtaining the Approbation of the Select Men of the respective Towns to which they belong & to those that are returned, or such Persons as shall transact or carry on such Business for them, they taking the said Oath before the Recognizances required by Law shall be taken.[3] [*Passed January 16.*

[1] Adjourned to January 14. See the House Journal, p. 267.

[2] Inserted from Legislative Records of the Council, xxi., 55.

[3] Mass. Archives, cxx., 75, gives a similar order for the innholders and retailers of Plymouth County, under the same date, January 16.

## CHAPTER 239.

ORDER DIRECTING THE COMMITTEE APPOINTED ON THE DISPOSITION OF THE EXPATRIATED FRENCH FROM NOVA SCOTIA TO MAKE THEIR REPORT.

*Ordered* That the Com^tee appointed on y^e 27^th Dec^r last to provide for the Subsistence of the French Inhabit^ts of Nova Scotia sent here by Gov^r Lawrence, be directed to take necessary Care of Such of the Said Inhabitants as have since arrived here, untill Governour Lawrence's orders relating to them be had, or till application may be made to His Excellency General shirley for His Directions concerning them.

And Also

That the Said Com^tee be directed to lay before this Court An Account of what disposition they have Already made of the said Inhabitants. [*Passed January 16.*

Legislative Records of the Council, xxi., 56. Mass. Archives, xxiii., 18.

Legislative Records of the Council, xxi., 50. House Journal, p. 272. Province Laws, iii., 958, note. *Ante*, p. 423, chap. 235.

## CHAPTER 240.

ORDER DIRECTING THE PROVINCE TREASURER TO ADVERTISE FOR PERSONS RECEIVING ENLISTING MONEY TO SETTLE THEIR BONDS AND PAY BALANCES DUE PROVINCE TREASURY.

*Ordered* That the Treasurer & Receiver General for this Province be directed to publish his Advertizements in the several public prints, that those Gentlemen who rec^d the Goverm^ts Money in Order to their inlisting Men into his Majesty's Service for the late Crown-point Expedition repair to him as soon as may be, Settle their Several Bonds, and pay in to the Treasury all such Sums of Money as may be remaining in their hands. [*Passed January 20.*

Legislative Records of the Council, xxi., 57. Mass. Archives, lxxv., 70.

House Journal, pp. 275, 276. *Ante*, p. 382, chap. 137.

## CHAPTER 241.

ORDER DIRECTING PAYMENT IN GOVERNMENT SECURITIES OF THE £300 GRANTED TO THE LIEU^T GOVERNOR.

*Ordered*, That the Treasurer & Receiver General for this province be directed to pay the Grant of three hundred Pounds lately made by this Court to his Honour y^e Lieu^t Governor, by delivering Government Securities for y^e Same. [*Passed January 20.*[1]

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 21.

Legislative Records of the Council, xxi., 58. Mass. Archives, xlix., 452.

Legislative Records of the Council, xxi., 56. House Journal, pp. 193, 201, 276. Province Laws, iii., 884, chap. 19.

## CHAPTER 242.

ORDER GRANTING TO OLIVER CLARK LICENCE TO KEEP AN INN.

Legislative Records of the Council, xxi., 58. Mass. Archives, cxi., 359.

House Journal, p. 278.

A PETITION of Oliver Clark of Newbury, shewing that his Father in Law Edward Richardson (now Dec[d]) devised his House in Newbury which had for many Years been licenced as a Tavern, together with the Stores therein to the Petitioner, Therefore Praying that the Court of General Sessions of the Peace for the County of Essex may be impowered at their next Term to grant him a Licence:

Read and

*Ordered*, That y[e] Prayer of this Petition be so far granted, as that the Justices of the Court of Gen[l] Sessions of the Peace for the County of Essex be and hereby are impowered at their next Term to Licence the Pet[r] to be an Innholder in S[d] Town of Newbury (if they See fit) he first Obtaining the approbation of the Select Men of said Town; y[e] Time for granting Licences being Elapsed notwithstanding. [*Passed January 20.*[1]

## CHAPTER 243.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOHN BAKER TO SET ASIDE A JUDGMENT AND HAVE A NEW TRIAL.

Legislative Records of the Council, xxi., 59. Mass. Archives, xliv., 222.

Mass. Archives, xliv., 221. House Journal, pp. 277, 281.

A PETITION of John Baker[2] of Topsfield, shewing that in an Action brought by the Petitioner against Jonathan Dodge at the Inferiour Court of Common Pleas for the County of Essex in July 1754, and carried up to the Superiour Court by Appeal, the Parties submitted their Controversy to a Rule of Court; upon which the Report of the Referrees & Judgment of Court were against the Petitioner, And for as much as the Petitioner has discovered since the Trial an evident Partiality in two of the Referrees, Praying that the said Judgment may be set aside, & the Pet[r] have another Trial,

Read &

*Ordered* that the Petitioner serve the Adverse Party Jonathan Dodge with a Copy of this Petition that he shew Cause (if any he have[)][3] on the first Tuesday of February next why the prayer thereof shall not be granted and that Execution be staid in the Mean Time provided that the Pet[r] give suffie[t] Security to the Sheriff of the County of Essex to pay what may finally be Adjudged due. [*Passed January 20.*[4]

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 21.

[2] The House Journal, p. 281, reads, "*John Barker.*"

[3] Inserted from Legislative Records of the Council, xxi., 59.

[4] This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 22.

## CHAPTER 244.

ORDER ALLOWING £60 AND A FURTHER SUM OF £14. 8 TO ROBERT BALL.

A PETITION of Robert Ball Keeper of the Light House, setting forth his Services in that Trust, and praying for a suitable Allowance for his Service the last Year, and a Reimbursement of his Charge in providing Fewel for keeping the Oil in the Lamps from Congealing.

Legislative Records of the Council, xxi., 59. Mass. Archives, lxv., 172.

Read and

*Ordered* That the Sum of Sixty Pounds be allowed and paid out of the Public Treasury to the Petitioner Robert Ball, in recompence of his Services mentioned for the year past, ending the 19th of Novr last; Also that the further Sum of Fourteen Pounds eight Shillings be allowed & paid him out ye Publick Treasury in Consideration of What he has expended for fire Wood In ye Year past, for ye Benefitt of the Light. [*Passed January 22.*

Mass. Archives, lxv., 170. House Journal, pp. 270, 271, 281.

## CHAPTER 245.

ORDER IMPOWERING THOS WALKER TO EXPORT SHIP BREAD TO JAMAICA.

A PETITION of Thomas Walker setting forth that he has now by him a Quantity of Ship Bread, which he was by Order of the Government prevented from shipping off the last Summer, and the said Bread being liable to decay, Praying that he may be allowed to ship it off to Jamaica upon giving Bond as usual.

Legislative Records of the Council, xxi., 59. Mass. Archives, lxv., 174.

Read and

*Ordered* That the Prayer of this Petition be granted; & That the Petitioner have liberty to export the bread mentioned therein on board the Ship Raleigh for the Island of Jamaica, upon his giving Bond in the sum of One thousand pounds Sterling to the Impost Officer with sufficient Sureties, to land the same in said Island, and to produce a Certificate from one of the principal Officers of his Majesty's Customs, that said Bread has been landed there, provided That in said Bond the Quantity of said Bread be expressed; and when the Certificate is returned from one of ye Officers aforesaid in manner as aforesaid, Sd Bond shall be Cancelled & delivered up. [*Passed January 22.*

Mass. Archives, lxv., 173. House Journal, pp. 98, 281, 282. *Ante*, p. 270, chap. 261.

## CHAPTER 246.

ORDER IMPOWERING REBECCA HOLT, ADMX AND GUARDIAN, TO SELL LAND.

A PETITION of Rebecca Holt Widow & Administratrix of the Estate of Henry Holt late of Andover decd and Guardian of the two Minor Daughters & the only Heirs of the Decd, Praying Liberty to sell their Interest in a small Peice of Land, which they hold in

Legislative Records of the Council, xxi., 60. Mass. Archives, xix., 368.

Mass. Archives, xix., 367. House Journal, pp. 275, 279. Province Laws, ii., 151, chap. 10.

Partnership with their Uncle, lying in Andover aforesaid, for the greater Benefit of said Heirs.

Read and

*Ordered* that the Prayer of this Pet$^{n}$ be so far granted as that the Pet$^{r}$ in her said Capacity of Admin$^{x}$ & Guardian be & she hereby is impowered to make sale of the Lands within mentioned for the most y$^{e}$ same will fetch & to make & execute a Good & sufficient Deed or Deeds of Sale in the Law of the same, she Observing the Direction of the Law respecting Admin$^{rs}$ selling of Lands, and giving sufficient Caution to the Judge of Probate for y$^{e}$ County of Essex to Account for the produce of the premisses & that y$^{e}$ same shall be disposed of according to Law. [*Passed January 22.*

## CHAPTER 247.

ORDER REMITTING TO THE TOWN OF BELLINGHAM £10 FINE FOR NOT SENDING A REPRESENTATIVE.

Legislative Records of the Council, xxi., 62. Mass. Archives, xlix., 450.

House Journal, pp. 278, 283.

A PETITION of Samuel Darling in behalf of the Town of Bellingham, setting forth the small Number of the Inhabitants occasioned by so many of their Men going out in the Expedition against Crown Point, therefore Praying that they may be freed from the Fine imposed upon them for not sending a Representative to Court the present Year:

Read and

*Ordered*, That there be allowed and paid out of the public Treasury to the Select Men of the Town of Bellingham for the use of S$^{d}$ Town the Sum of Ten pounds in Consideration of a fine imposed upon S$^{d}$ Town for not Sending a representative to the Gen$^{l}$ Court this present Year. [*Passed January 23.*[1]

## CHAPTER 248.

ORDER FOR DISPOSING OF THE EXPATRIATED FRENCH LATELY ARRIVED FROM NOVA SCOTIA.

Legislative Records of the Council, xxi., 61.

Mass. Archives, xxiii., 22. Legislative Records of the Council, xxi., 50. House Journal, pp. 265 *bis*, 285. Province Laws, iii., 958, note. *Ante*, p. 423, chap. 235.

WHEREAS a considerable Number of the Inhabitants of Nova Scotia arrived here since the 27$^{th}$ day of December, last being removed by the Governour & Council of that Province for the Security thereof; And no Provision being made for their Support here, they are in great Danger of suffering, during the Winter Season, without the Interposition of this Court.

*Ordered* that the Committee already appointed on the 27$^{th}$ day of Dec$^{r}$ do provide for the Support of such Inhabitants of Nova Scotia as have arrived since the 27$^{th}$ day of December last, untill Advice may be had from Col. Lawrence, & his Orders concerning them, or untill there may be an Opportunity of applying to his Excellency Major General Shirley Commander in Chief of his Majesty's Forces in North America, for his Direction concerning said Inhabitants; and the Committee are to dispose of them in the mean

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 24.

time, [(]'at their best Discretion) in such Towns within this Province as they shall judge least Inconvenient to the Public & at the least Charge; Regard to be had also as to the Taxes each Town pays, they are severally sent to, and to the Numbers which any of the Towns have already received; and the Overseers of the Poor of the several Towns, to which they are sent as aforesaid, are hereby authorized & required to receive them, & employ & support them, in such Manner as shall incur the least Charge; and the said Inhabitants of Nova Scotia being so received & entertained in any Town, shall not be construed or understood to be an Admission of them as Inhabitants, nor shall they be at the Charge of any of the Towns they are sent to; This Court relying upon it that some other Provision will be made for them without any Expence to this Government, and the Overseers of the Poor of the several Towns to whom the said Inhabitants have been or shall be sent by this & the aforementioned Order of the Court shall keep an exact Account of the necessary & unavoidable Charges they have be[en] [1] or may be at for their Support, untill the tenth day of April next, & shall transmit the same to the Secretary's Office for Payment in order to ascertain the Sums advanced by this Government from time to time for the Service & safety of Nova Scotia aforesaid. [*Passed January 24.*[2]

## CHAPTER 249.

ORDER ALLOWING £32. 3. 8 AND A FURTHER SUM OF £150 TO JOSIAH WILLARD, SECRETARY.

A Memorial of Josiah Willard Esq[r] Secretary of this Province, Praying for an Allowance to his Assistant for his Service since the 30[th] of May 1754, as also for extraordinary Charge he has been at for Writing done in his Books for about two Years past:

Legislative Records of the Council, xxi., 62.

Read &

*Ordered* that there be allowed & paid out of the public Treasury to the Memorialist Josiah Willard Esq[r] the Sum of Thirty two Pounds three Shillings & eight pence in full of his Accompt herewith presented; and that there be allowed & paid out of the public Treasury to the said Memorialist the Sum of One hundred & fifty Pounds for one Year & eight Months Service of his Assistant M[r] Thomas Clarke, ending the 30[th] of January Curr[t]. [*Passed January 24.*

House Journal, pp. 285, 286 *bis*. *Ante*, p. 251, chap. 210.

## CHAPTER 250.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE, &c[A], FOR THE COUNTY OF YORK AND ALLOWING £3. 4. 5 FOR THE EXPENSE THEREOF.

The Committee appointed to let out to farm the Excise on Tea, Coffee &c[a] in the County of York, reported that they had agreed with Joseph Simpson jun[r] for the same, for the sum of Ten Pounds

Legislative Records of the Council, xxi., 64. Mass. Archives, cxx., 76.

[1] Inserted from State Library copy, Legislative Records of the Council, xxi., 61.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council and the House Journal the date is January 23.

House Journal, p. 290. *Ante*, p. 374, chap. 116.

sixteen Shillings & have taken Bond of him & lodged it in the Treasury. their Charge being £3.4.5.

Read and

*Ordered*, That this Report be Accepted; & That there be allowed & paid out of the public Treasury to the S^d^ Committee the Sum of Three pounds, four Shillings & five pence in full discharge of their Acco^t^ of Time & Expences exhibited. [*Passed January 27.*[1]

## CHAPTER 251.

VOTE IMPOWERING MARY ELY, EXECUTRIX, TO EXECUTE DEEDS.

Legislative Records of the Council, xxi., 64. Mass. Archives, xix., 364.

Mass. Archives, xix., 363. House Journal, pp. 291, 293, 294.

A PETITION of Mary Ely, Executrix of the Estate of Caleb Ely, Executor to Benoni Jones late of Springfield Dec^d^ setting forth that the said Caleb (now deceased) sold divers parcels of Lands of said Jones's Estate, which he became bound to give Deeds of to the several Persons concerned, Praying that the Pet^r^ may be impowered to give & execute Deeds of the said Land accordingly.

[Read and]

*Voted* that the Prayer of the Petition be granted & that the said Mary Eley Executrix of the last Testam^t^ of the Said Caleb Eley Deceas^d^ be & hereby is Impowered to give and Execute a Deed or Deeds of the Said Fifty Acres of Land to Thomas Miller y^e^ 2^d^ Charles Ball and Noah Ball or Either of them or any other Person to whom Said Land or any Part of it may be by them or Either [of] them sold, (agreable to the Said Caleb^s^ Obligation by the Bond afores^d^) and that the Deed or Deeds So made and Executed by the Said Mary in Said Capacity be as good and Valid in Law as If the Same had been made and Executed by the Said Caleb in his Life Time and that the Said Mary Apply the Produce of Said Land So far as it Shall Come into Her Hands as the Said Benoni Jones in his Last Will and Testament hath Ordered and Render an acc^tt^ thereof to the Judge of Probates for the County of Hampshire. [*Passed January 28.*

## CHAPTER 252.

ORDER IMPOWERING SAMUEL STURGIS & SOLOMON DAVIS TO EXPORT PROVISIONS TO THE BAY OF HONDURAS.

Legislative Records of the Council, xxi., 65. Mass. Archives, lxv., 178.

House Journal, p. 294. *Ante*, p. 270, chap. 261.

A PETITION of Samuel Sturges & Solomon Davis of Boston Merch^ts^ Praying for Liberty to ship on board a Sloop belonging to them for the Bay of Honduras, thirty Barrells of Beef, ten Barrells of Flour, two Barrells of Mackrell & three Quintals of Fish for the Use of the English there,

Read and

*Ordered* That the Prayer of this Pet^n^ be so far granted As that the Pet^rs^ have liberty to transport the Provisions therein Mentioned to y^e^ Bay of Honduras provided that they give Bond to the Impost Officer in the Sum of five hundred pounds Sterling to Carry the same to the S^d^ Bay & there dispose of it: which Bond shall be

[1] This date is according to Mass. Archives and the House Journal according to Legislative Records of the Council the date is January 28.

Cancelled & delivered up when the Master of y^e^ Vessel on board which Said provisions shall be shiped returns & makes Oath that S^d^ provisions have been so disposed of. [*Passed January 28.*[1]

## CHAPTER 253.

ORDER IMPOWERING TIM^O^ FITCH TO EXPORT PROVISIONS TO THE ENGLISH WEST INDIES.

A PETITION of Timothy Fitch of Boston Merch^t^ shewing that he is fitting out the Schooner Two Brothers, Thomas Stanley Master for the West Indies, Praying that he may be allowed to carry thither fifty Barrells of Provisions for the Use of the Inhabitants of the English Islands.

Legislative Records of the Council, xxi., 64. Mass. Archives, lxv., 177.

Read and

*Ordered* That the Prayer of this Petition be granted; And that the Pet^r^ have liberty to export fifty bar^ls^ of Provisions on board the Schooner Two Brothers Thomas Stanley Master to any of the English West India Islands, provided he give Bond to the Impost Officer in the Sum of five hundred pounds Sterling to land or dispose of the same at any One or More of said Islands, and to produce a Certificate from one of the principal Officers of his Majesty's Customs in such place or places respectively, that s^d^ Provisions have been so landed or disposed of; and when such Certificate is produced to y^e^ s^d^ Impost Officer the Bond afores^d^ shall be Cancelled and delivered up. [*Passed January 29.*

Mass. Archives, lxv., 176. House Journal, p. 296. Province Laws, iii., 950, note. *Ante*, p. 270, chap. 261.

## CHAPTER 254.

ORDER OF NOTICE WITH STAY OF PROCEEDINGS ON THE PETITION OF BENJ^A^ JOHNSON COMPLAINING OF A REPORT OF REFEREES.

A PETITION of Benjamin Johnson of Stoughton, setting forth that on a Trial between him & Thomas Randal of said Place, at the Court of General Sessions of the Peace for the County of Suffolk, referring to the Pet^rs^ flowing of the said Randals Meadow, the Parties submitted the Matter to a Rule of Court, & that the Referrees thereon brought in a Report very unreasonable, & much to the Pet^rs^ Damage, Therefore Praying for Releif from this Court.

Legislative Records of the Council, xxi., 65. Mass. Archives, xliv., 246.

Read &

*Ordered*, That y^e^ Pet^r^ serve the Adverse party M^r^ Thomas Randall with a Copy of this Petition, that he shew Cause (if any he have) on Friday y^e^ sixth day of Feb^y^ Next, why the Prayer thereof Should not be granted, And That all proceedings on y^e^ Warrant herein mentioned be staied in the mean Time. [*Passed January 29.*

Mass. Archives, xliv., 244. House Journal, p. 292.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 29.

## CHAPTER 255.

ORDER IMPOWERING THE PROPRIETORS AT THE WEST TOWNSHIP AT HOOSUCK TO ERECT A BLOCK HOUSE AT THE PLACE CALLED "THE SQUARE."

Legislative Records of the Council, xxi., 68.

Mass. Archives, cxvii., 108. House Journal, pp. 290, 294, 295, 298. *Ante*, p. 343, chap. 41; p. 349, chap. 56.

A PETITION of William Chidester of the Westerly Township at Hoosuck, setting forth the Neglect of the Proprietors to settle there, and the defenceless Condition that he & the other Settlers there are in, praying for some Releif & Assistance from this Court: Read &

*Ordered* that the Prayer of this Petition be so far granted as that if the Proprietors of the said Township or any part of them shall at their own Cost & Charge, with the Leave of the Captain General, erect a sufficient Block House in said Town at the Place called the square, by the tenth day of March, that then there be allowed Ten Soldiers either out of the Number now stationed at Fort Massachusetts, or otherwise by a new Levy as this Court shall judge best; And the said Proprietors or such of them as shall appear & labour in the erecting said Block House be allowed their Subsistence out of the Province Stores for the Space of two Months; And that if the said Proprietors shall not appear by the tenth of March next to erect a Block House on the Place called the Square, [that then][1] the Petitioner with such as shall appear spirited[2] with him and shall erect a Block House round his House, and the two other Houses convenient to be taken in, shall be intitled to the same Subsistence abovesaid, while building said Block House, and that when the said Block House is finish'd, ten of the Inhabitants which shall have erected said Block House be put into Pay & Subsistence during the Courts Pleasure: And that the Commander in Chief be desired to give Orders that there be a Guard of ten Men taken from Fort Massachusetts to guard the Labourers while they are at Work on said Block House. [*Passed February 2.*

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## CHAPTER 256.

ORDER ESTABLISHING THE SUBSISTENCE OF OFFICERS AND SOLDIERS ENGAGED IN THE CROWN POINT EXPEDITION AND VOTE APPOINTING A COMMITTEE THEREON.

Legislative Records of the Council, xxi., 72. Mass. Archives, lxxv., 88, 90.

Legislative Records of the Council, xx., 525. House Journal, pp. 299, 300, 309. *Ante*, p. 367, chap. 97.

In the House of Representatives

*Ordered* That the officers and Private Soldiers Imployed in the late Expedition Towards Crown Point be allowed and paid at y^e^ rate of 1/6 by y^e^ day for their Subsistance in their return to their respective homes from Albany, Accounting fifteen Miles of their Travel for a day, and that the Chief Officer of Every Company make a distinct roll for his Company Setting forth therein the name of the Town or district to which Each person belongs, The distance of such place from Albany, The number of days Each person was returning according to y^e^ above^d^ Method of Computation & The whole sum due to Each person

And That Publick notice be forthwith given in Some one or more of y^e^ Publick Prints by the Commissary Gen^ll^ to all Taverners &

[1] Inserted from Mass. Archives, cxvii., 109.
[2] *Sic.*

others (who have afforded Entertainment to s$^{d}$ officers and Soldiers in their return from s$^{d}$ Expedition) who have, not rec$^{d}$ pay therefor, That they bring in all their Acc$^{ts}$ thereof to s$^{d}$ Comissary by y$^{e}$ first day of March next therein Expressing y$^{e}$ names of the persons to whom such Entertainm$^{t}$ has been given and to what Company they belonged

And That a Com$^{tee}$ be appointed by the house to be Joined by a Com$^{tee}$ of the Hon$^{ble}$ Board to Examine s$^{d}$ Accounts & to report to this Court how much thereof they Judge resonably Charged & Well proved And When this Court Shall have passed thereon S$^{d}$ Com$^{tee}$ Shall make out fair Lists of all y$^{e}$ persons to whom Entertainment has been afforded by Taverners & others as afores$^{d}$ the accounts of which Shall have been allowed by this Court, Each Several List whereof Shall Contain all y$^{e}$ persons belonging to one particular Company who have been Entertain'd as afores$^{d}$ and Shall also Express y$^{e}$ whole amount of all y$^{e}$ Entertainm$^{t}$ allowed in all s$^{d}$ Taverners Acc$^{ts}$ for Each & Every particular person Named in s$^{d}$ Lists. and that s$^{d}$ Lists be lodged with y$^{e}$ province Treasurer, and he be directed to retain in his hands out of the sums due to Each person on y$^{e}$ rolls of Wages and Subsistance, so much and No more as Shall appear by s$^{d}$ Com$^{tees}$ Lists to be due from Each person on y$^{e}$ acc$^{ts}$ of s$^{d}$ Taverners & others in order to discharge y$^{e}$ Same

And further

*Voted* that those of the Two thousand Men last raised for the Crown point Expedition that were Ordered to be inlisted or drawn out on the 15$^{th}$ Sep$^{r}$ last that went by Water in Col$^{o}$ Thatcher's Regim$^{t}$ be allowed Subsistence from the 15$^{th}$ Sep$^{r}$ until the time that the provisions were put on board the Vessels they went in to Albany, & those officers & others that were at the expence of Billeting the s$^{d}$ Soldiers be allowed the same, they first presenting their Acc$^{ts}$ to the Council for their Examination & allowance as aforesaid.

Also further

*Voted*, That those of the three hundred Men impressed that were sent to Worcester to rendevouze & there to receive Orders to March to Crown point shall be allowed their Billeting from the time they Came to Worcester until they marched on s$^{d}$ service, & y$^{e}$ Offi[c]ers & others that Billeted s$^{d}$ Soldiers be allowed the same they presenting their Accounts to the Council for Examination & allowance as afores$^{d}$.

In Council Read and Concur'd and

*Ordered* that Samuel Watts, John Chandler and William Brattle Esq$^{rs}$ with such as the Hon$^{ble}$ House shall appoint be a Committee for the purposes within mentioned

In the House of Rep$^{es}$

Read and Concurred; And M$^{r}$ Tyng, Thomas Greenwood Esq$^{r}$ M$^{r}$ Witt & M$^{r}$ Will$^{m}$ Bowdoin are joined in the Affair. [*Passed February 4.*

## CHAPTER 257.

ORDER ALLOWING £6. 16. 7 TO SYLVESTER RICHMOND.

Legislative Records of the Council, xxi., 73.

Mass. Archives, xliv., 253-256. House Journal, pp. 303, 308, 309, 352.

A MEMORIAL of Sylvester Richmond Esq[r] Sheriff of the County of Bristol shewing that he presented to the Court of General Sessions of the Peace for said County his Account of Charge in removing John Webb a Criminal from the Goal in that County to the Goal in the County of Middlesex, but the said Court utterly refused Payment thereof, deeming it a Province Charge, the said Webb being a common Cheat; Therefore Praying that this Court would give Order for the Payment of said Accompt which is herewith presented.

Read &

*Ordered* that there be allowed & paid out of the publick Treasury the Sum of Six Pounds sixteen shillings & seven pence to the Memorialist Sylvester Richmond Esq[r] in full discharge of the Acco[t] exhibited & in Consideration of his Service mentioned. [*Passed February 4.*

## CHAPTER 258.

ORDER ALLOWING £6 TO DAVID POOR.

Legislative Records of the Council, xxi., 75. Mass. Archives, lxxv., 92.

Mass. Archives, lxxv., 91. House Journal, pp. 306, 310.

A PETITION of David Poor late a Soldier in the Expedition ag[st] Cape Breton, shewing that he therein received a Wound in his Shoulder, which is now so bad as to disable him from Labour, Praying that this Court would allow him something for his Maintenance:

Read &

*Ordered* That there be allowed & paid out of the Public Treasury to the Petitioner David Poor, the Sum of Six Pounds in Consideration of his Sufferings mentioned. [*Passed February 5.*

## CHAPTER 259.

ORDER IMPOWERING THOMAS HANCOCK, ESQ[R], TO FILE A COMPLAINT.

Legislative Records of the Council, xxi., 63, 76.

House Journal, pp. 291, 315.

A PETITION of Thomas Hancock of Boston Esq[r] shewing that at the Inferiour Court of Common Pleas held at Boston in July last he recovered Judgm[t] against Samuel Blogget for £17.5.8 & Costs; from which Judgment he appealed to the Sup[r] Court but never prosecuted the Appeal; and for as much as the Pet[rs] Attorney forgot to file a Complaint against the said Blogget, praying that it may be allowed the next term:

Read & it appearing that Samuel Blogget the adverse Party hath been served with a Copy of this Petition; but hath given no Answer thereto

*Ordered* that the Prayer of the Pet[n] be granted, And the Pet[r] is allowed to file his Complaint in said Court; And the Justices of the said Court are impowered to receive the same, affirm the Judgment within mentioned & award Execution pursuant to Law. [*Passed February 5.*

## CHAPTER 260.

ORDER ALLOWING £114. 7. 10½ TO CHARLES GOODRICH.

A PETITION of Charles Goodrich of Pontoosuck in the County of Hampshire, setting forth that in October last he billetted many of the Connecticut Soldiers, who were sent for their Protection & assisted in building a Place of Strength for their Defence, for which he has not as yet received any pay, Therefore Praying that he may be allowed for the same according to the Accounts herewith exhibited:

Read &

*Ordered* that there be allowed & paid out of the public Treasury to Charles Goodrich the further Sum of One hundred & fourteen Pounds seven shillings & ten pence half penny in discharge of the within Acco[t]. [*Passed February 9.*

Legislative Records of the Council, xxi., 81.

House Journal, pp. 296, 305, 309. *Ante*, p. 381, chap. 134.

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## CHAPTER 261.

ORDER ALLOWING £4 TO HENRY WESSON.

A PETITION of Henry Wesson of Boston, a Soldier in the late Expedition ag[st] Crown Point, shewing that he was grievously wounded in the Thigh, which has put him to great Charge & rendred him unable for Labour, praying for Releif from this Court.

Read and

*Ordered*, That there be allowed and paid out of the Public Treasury the Sum of Four Pounds to the Petitioner in Consideration of his Sufferings herein mentioned. [*Passed February 11.*

Legislative Records of the Council, xxi., 83. Mass. Archives, lxxv., 87.

House Journal, pp. 307, 323.

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## CHAPTER 262.

ORDER IMPOWERING JOHN FOSTER TO RECOGNIZE AS RETAILER OF STRONG DRINK.

A PETITION of John Foster of Manchester, shewing that he is licenced by the Court of General Sessions of the Peace for the County of Essex, to be a Retailer of Spirituous Liquors for the present Year; but thrô his Ignorance lapsed the Time for giv[g] Bond; Praying that the Clerk of said Court may be impowered to take Recognizance of him for the said Purpose:

Read and

*Ordered* That the Prayer of this Petition be granted; and That the Clerk of the Court of General Sessions of the peace for the County of Essex be and he hereby is impowered to take recognizance of the Petitioner in Manner as is by Law directed for paying his Excise and keeping good Order as a retailer of Spirit[s] Liquors in S[d] Town the Time for entering into recognizance for that purpose by Law prescribed, being elapsed notwithstanding. [*Passed February 11.*[1]

Legislative Records of the Council, xxi., 85. Mass. Archives, cxl., 366.

Mass. Archives, cxi., 365. House Journal, p. 321.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 12.

## CHAPTER 263.

ORDER GRANTING TO FRANCIS STURTIVANT LICENCE TO KEEP AN INN.

Legislative Records of the Council, xxi., 85. Mass. Archives, cxi., 364.

Mass. Archives, cxi., 363. House Journal, p. 324.

A PETITION of Francis Sturtivant of Bridgwater in the County of Plymouth shewing that for many Years he has been an Innholder in the said Town; but at the last Term for renewing Licences at the Court of General Sessions of the Peace, he was necessarily prevented giving Attendance, Therefore Praying that the said Court may be impowered to renew his Licence at their next Term:

Read And

*Ordered*, That the Justices of the Court of General Sessions of the Peace for the County of Plymouth be and hereby are impowered to grant, at their next Term, (if they See fitt) a Licence to the Petitioner to be an Innholder in the Town of Bridgwater, he first Obtaining the Approbation of the Select Men of said Town, the Time for granting Licences being elapsed notwithstanding. [*Passed February 11.*[1]

## CHAPTER 264.

ORDER IMPOWERING JOS. ALLEN, EXECUTOR, TO SELL REAL ESTATE.

Legislative Records of the Council, xxi., 84.

Mass. Archives, xix., 361. House Journal, p. 327. Province Laws, ii., 151, chap. 10.

A PETITION of Joseph Allen Executor of the last Will & Testament of Benj[a] Warren late of Hardwick dec[d] setting forth that the Real Estate of the said Benjamin is under such Circumstances as that it would be much for the Advantage of the Widow & Children to have it sold, & therefore praying for Liberty to sell the same accordingly:

Read &

*Ordered* that the Prayer of this Petition be granted & that the Pet[r] in his said Capacity be & hereby is impowered to make Sale of the Estate within mentioned, and to make & execute a good Deed or Deeds in the Law of the same, He observing the Rules in the Law respecting Real Estates by Administ[rs] and giving sufficient Caution to the Judge of Probate for the Application of the Money arising by said Sale, as is within mentioned. [*Passed February 12.*

## CHAPTER 265.

ORDER ALLOWING £4 AND A FURTHER SUM OF £6. 3. 11 TO JUDAH CLARK.

Legislative Records of the Council, xxi., 86. Mass. Archives, lxxv., 94.

House Journal, pp. 325, 326.

A PETITION of Judah Clark of Harvard a Soldier in the late Expedition ag[st] Crown Point, shewing that he was so wounded in the Battle at Lake George, as to be render'd unable to Labour, & has been put to much Charge for Doctors &c[a] praying for a Reimbursement of his said Charge & other Releif from this Court.

Read and

*Ordered*, That there be allowed and paid out of the Public Treas-

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 12.

ury to the Pet$^{r}$ the Sum of four pounds in Consideration of his Sufferings mentioned, And Also the Sum of Six pounds three shillings & eleven pence in full of his Acco$^{t}$ for Doctors, Attendance & Expence in geting home, herewith Exhibited. [*Passed February 12.*[1]

## CHAPTER 266.

ORDER IMPOWERING NATH$^{L}$ & GEO. BETHUNE TO EXPORT PROVISIONS TO NEWFOUNDLAND.

A Memorial of Nathaniel & George Bethune of Boston Merch$^{ts}$ shewing that they are fitting out for Newfoundland the Brigantine Mermaid John Tozer Master, and praying that they may be allowed to ship in her One hundred & twenty Barrells of Provisions for the Use of his Majesty's Garrison there;

Legislative Records of the Council, xxi., 87. Mass. Archives, lxv., 182.

Read and

*Ordered*, That the prayer of this Petition be granted; and that the Pet$^{rs}$ have Liberty to ship the Provisions Mentioned on board the Brig$^{t}$ Mermaid, and y$^{t}$ the Commissioner of Impost be and hereby is impowered And directed to take bond of One thousand pounds Sterling of the Petitioners for landing the same at Newfoundland; And That y$^{e}$ cheif Officer of s$^{d}$ Vessel at his return make oath that the said provisions were actually landed there, And on his taking the S$^{d}$ oath the s$^{d}$ Bonds to be Cancelled. [*Passed February 12.*[1]

Mass. Archives, lxv., 181. House Journal, p. 326. Province Laws, iii., 950, note. *Ante*, p. 270, chap. 261.

## CHAPTER 267.

ORDER ALLOWING £80 TO THE PROVINCE TREASURER.

A Memorial of Harrison Gray Esq$^{r}$ Treasurer of this Province, Setting forth the great Increase of Business in his Office, by reason of the late Expeditions & the greatness of his Care, Labour & Expence therein, Praying that this Court would make him such Allowance as they shall judge reasonable:

Legislative Records of the Council, xxi., 86. Mass. Archives, ciii., 387.

Read and

*Ordered*, That there be allowed and paid out of the public Treasury to the Memorialist Harrison Gray Esq$^{r}$ the Sum of Eighty Pounds, in Consideration of his Extraordinary services Mentioned. [*Passed February 13.*

Mass. Archives, ciii., 385. House Journal, pp. 323, 328.

## CHAPTER 268.

VOTE ALLOWING TRAVELING EXPENSES AND SUBSISTENCE TO SOLD$^{RS}$ IMPRESSED AND VOTE IN REGARD TO MONEY ADVANCED BY CAPTAINS.

*Voted* That Whenever the Captain General or Commander in Cheif, Shall give orders to the Colonels of the Several Regiments to impress any number of men for the frontiers, that there be allowed to each Soldier so impressed that shall travel by land Six-

Legislative Records of the Council, xxi., 87. Mass. Archives, lxxv., 95.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 13.

House Journal, pp. 145, 330.

teen pence ℔ diem for his Subsistance, from the day he shall Set Out from his own Habitation, until He arrive at the place to which he is designed, or until he Receive Subsistance from Some of the Goverments Commissaries, fifteen miles to be Accounted a days Travel,

AND WHEREAS Several Captains have already Supply'd their men Impres'd in year past for which they have had no Allowance, Therefore

*Voted*, That such Captains as have already Impress'd any men and Supplyed them with money, & Such Captains as shall hereafter Impress any men & Supply them with money for their travel shall Exhibit a particular Accounte thereof to their respective Colonels who are hereby directed to transmit them to the Governour & Council, in order to their receiving a Warrant on the Treasury for the Several Sums they shall have so advanced. [*Passed February 13.*

## CHAPTER 269.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO CONFER WITH CONNECTICUT COMMISSRS.

Legislative Records of the Council, xxi., 89. Mass. Archives, vi., 216.

Legislative Records of the Council, xxi., 81. House Journal, pp. 322, 323, 325, 328.

THE COMMITTEE appointed to confer with the Commissioners from the Government of Connecticut have attended that part of the Service which relates to the Operations proposed for the next Summer, and they humbly report as their Opinion that it is incumbent on the Government of this Province, in Conjunction with his Majestys other Colonies to prosecute further Measures the ensuing Year, for removing the Encroachments made by the French at Crown Point, and in the Country adjacent; but the Committee are further of Opinion that it is absolutely necessary that Measures should be first taken to obtain Moneys for the Payment of the Soldiers that were employed the last Year, and also for making Preperations for a new Enlistment. With respect to the billeting the Connecticut Soldiers that are occasionally sent to the Frontiers the Committee desire to sit again:

Which is humbly submitted Per Order WM PEPPERELL.

Read and

*Ordered*, That this report be Accepted. [*Passed February 13.*[1]

## CHAPTER 270.

ORDER ALLOWING £7. 14. 10 TO JONATHN BARNEY, ADMR.

Legislative Records of the Council, xxi., 88. Mass. Archives, lxxv., 104.

House Journal, pp. 328, 333.

A PETITION of Jonathan Barney Administrator of the Estate of James Hodges late of Taunton decd shewing that the said James enlisted in the late Expedition against Crown Point, and upon his Return home was taken sick & died, Praying for Allowance of the charge of his sickness &ca

Read and

*Ordered* That there be allowed & paid out of ye Public Treasury

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 14.

to the Petitioner in his Said Capacity the Sum of Seven Pounds fourteen Shillings And ten pence in full discharge of the Accounts Annexed. [*Passed February 14.*

## CHAPTER 271.

ORDER ALLOWING £5 TO NATHAN THOMPSON.

A Petition of Nathan Thompson a Soldier in the late Expedition against Crown Point, setting forth his Sufferings by Reason of Wounds received from the Enemy, Praying for Releif from this Court.

Legislative Records of the Council, xxi., 88. Mass. Archives, lxxv., 96.

Read and

*Ordered*, That there be allowed and paid out of the Public Treasury to the Petitioner Nathan Thompson, the Sum of five Pounds for his present relief under his Sufferings mentioned. [*Passed February 14.*

Mass. Archives, lxxv., 96. House Journal, pp. 327, 333.

## CHAPTER 272.

ORDER IMPOWERING JOHN PHILLIPS TO EXPORT PROVISIONS TO BAY OF HONDURAS.

A Memorial of John Phillips of Boston Merch[t] shewing that he is fitting out the Brigantine Abigail John Atwood Master for the Bay of Honduras, and praying that he may be allowed to transport in the said Vessel Fifty Barrells of Beef, and thirty Barrells of Flour for the Use of the Inhabitants there.

Legislative Records of the Council, xxi., 91. Mass. Archives, lxv., 183.

Read and

*Ordered* That the prayer of this Pet[n] be so far granted as that the Pet[r] be and hereby is allowed to ship the Provisions abovementioned for the Bay of Hondoras in the said Vessell provided he give bond in One Thousand pounds sterling to land the same there and upon the Master or Chief Officer of s[d] vessell making Oath (after her Return) that the Provisions have been so landed the said Bond shall be Cancelled. [*Passed February 14.*

House Journal, p. 334. Province Laws, iii., 950, note. *Ante*, p. 270, chap. 261.

## CHAPTER 273.

ORDER DIRECTING THE COMMISS[Y] AT ALBANY NOT TO SELL PROVISIONS.

*Ordered*, That the Com[tee] of War be directed to send an Express forthwith to M[r] Emerson Commissary at Albany to Stay all proceedings as to the Sale of any kind of Provisions now in his hands belonging to the Province, till the further Orders of this Court. [*Passed February 14.*[1]

Legislative Records of the Council, xxi., 91. Mass. Archives, lxxv., 110.

Legislative Records of the Council, xx., 501. House Journal, p. 336. *Ante*, p. 296, chap. 325.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 16.

# CHAPTER 274.

ORDER ACCEPTING REPORT OF A PLAN FOR THE PROPOSED EXPED^N AGAINST CROWN POINT.

Legislative Records of the Council, xxi., 93. Mass. Archives, lxxv., 112.

Mass. Archives, lxxv., 111. Legislative Records of the Council, xxi., 91. House Journal, p. 338.

THE COMMITTEE appointed to prepare a Plan of Operation for carrying on the Expedition to remove the Encroachments made by the French on his Majesty's Territories at or near Crown Point into Execution, beg Leave to report that it is their Opinion that this Government raise by Inlistment, Three Thousand Soldiers, Exclusive of Commission Officers, for this Expedition, towards Nine Thousand, to be raised in the Governments of the Massachusetts Bay, Connecticut, New Hampshire, Rhode Island, & New York, depending that each of the four last mentioned Governments will furnish its Proportion, together with these Three Thousand to compleat the said Number; And that such Forces as shall be raised for this Purpose by the Governments Southward of New York shall be considered as Additional to these Nine Thousand; and that the Forces of this Government shall not be compelled to march Southward of Albany or Westward of Schonectady, and that they shall be discharged as soon as the Expedition shall be finished, or at farthest within a Year after their Enlistment: Which is humbly submitted: Per Order of the Com^tee J. CHANDLER.

Read &

*Ordered* that this Report be accepted. [*Passed February 16.*

# CHAPTER 275.

ORDER IN REGARD TO THE MAKING UP OF MUSTER ROLLS OF COMPANIES IN THE LATE CROWN POINT EXPEDITION.

Legislative Records of the Council, xxi., 93. Mass. Archives, lxxv., 120.

Legislative Records of the Council, xx., 391; xxi., 63. House Journal, pp. 182, 290, 340, 341.

*Ordered* that the Captains or chief Officers of the several Companies in the late Crown point Expedition in making up their Muster Rolls, carry out the Wages of each Non Commission Officer and Soldier born on their respective Rolls from the time of their several Enlistments (except the Minute Men (so called) in the late Col° Samuel Willard's Regiment, which shall be from the date of their respective Captains Commission) and until they left the Army by Dismission or Furlough, and until their return home allowing Fifteen Miles for a days travel. And that those that were impressed or Enlisted and did not go in Said Expedition, and those who Deserted to have no Allowance made them in the Muster Rolls.

That there be allowed Wages to each Captain or chief officer of the several Companies in said Expedition Fifteen days after his return home for the making up their respective Muster Rolls and Obtaining an Order thereon also for his Travel to Boston in order to lay his Muster Roll before the Governour & Council, allowing Twenty Miles for a Days Travel, and in making up the same that they charge those that have received Fire Arms, Bayonets and Drums unless they have or shall return them, or are unavoidably lost.

And that the Commission Officers except such as shall make up the Rolls aforesaid shall be allowed Wages from the Date of their respective Commissions until they left the Army, and until their return home allowing Fifteen Miles for a Days travel.

And it is further

*Ordered* that the Treasurer retain in the Treasury the Wages of every Captain or other Officer who has received Money for Bounty, Billeting or Advance Wages, until such Officer shall have rendred an Account thereof and the same be allowed, and any Sum that may remain due be repaid. [*Passed February 17.*

## CHAPTER 276.

ORDER ALLOWING £4 TO ROBERT DUE.

A Petition of Robert Due setting forth his Sufferings & Expences by Sickness, while he was a Soldier in the public Service in the Eastern Frontiers, Praying for some proper Allowance therefor by this Court.

Legislative Records of the Council, xxi., 95. Mass. Archives, lxxv., 109.

Read and

*Ordered*, That there be allowed & paid out of the public Treasury to the Petr Robert Due the Sum of Four Pounds in full Consideration of his Services & Sufferings mentioned. [*Passed February 17.*[1]

Mass. Archives, lxxv., 108. House Journal, pp. 334, 335, 341.

## CHAPTER 277.

ORDER GRANTING TO SAMUEL RICE AND OTHERS EIGHT SOLDIERS FOR PROTECTION IN THEIR FARMING OPERATIONS.

A Petition of Samuel Rice a Proprietor & Inhabitant of the Plantation called Charlemont on the Western Frontiers of this Province, shewing that he together with his Bretheren are willing to be at the Charge of erecting a suitable Fortification round their Houses there, Provided they be allowed a proper Number of Soldiers to defend it; Praying that such a Garrison may be allowed.

Legislative Records of the Council, xxi., 95. Mass. Archives, lxxv., 61.

Read and

*Ordered* That the Prayer of this Petition be so far granted, as That the Petr and his Brethren (on their making proper provision for their Safety and their Billeting) be Allowed Eight Soldiers in the Summer Season, to protect them in their Husbandry, & for the Safety & Entertainment of Such of his Majesty's Subjects as shall be imploied in the Service of the Province, which will require their travelling from Deerfield to Fort Massachusetts &c. [*Passed February 17.*[1]

Mass. Archives, lxxv., 60. House Journal, pp. 329, 339.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 18.

## CHAPTER 278.

ORDER ACCEPTING REPORT OF COMMITTEE IN REGARD TO MEN ENLISTING FOR THE PROPOSED CROWN POINT EXPEDITION.

Mass. Archives, cix., 228.

Legislative Records of the Council, xxi., 90, 91, 92. House Journal, pp. 341, 342.

THE COMMITTEE appointed further to consider his Excellencys message relating to a proposed Expedition against Crown point humbly report

That there be granted to every man that shall enlist before the 20 day of March a bounty or encouragement of six Dollars & a blanket

That such men as were in the last expedition & shall enlist anew over & above the encouragement aforesaid shall be allowed half wages from the 17 day of December when the pay of the last army ceased.

That the same wages be allowed to Officers & men as in the last Expedition & that half a Dollar for each Man be allowed to the Officers for the expence & trouble of enlisting & that his Excellency be desired to issue a Proclamation promising the encouragement aforesaid. And the Committee desire leave to sit again Which is humbly submitted

℔ order of ye Comtee JOHN CHANDLER

Read and

*Ordered* That this report be Accepted. [*Passed February 18.*

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## CHAPTER 279.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, &c FOR THE COUNTY OF WORCESTER AND ALLOWING 14/ FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 95. Mass. Archives, cxx., 79.

Mass. Archives, cxx., 77. House Journal, p. 342. *Ante*, p. 373, chap. 112.

THE COMMITTEE for letting out to farm the Excise on Coffee, Tea &ca for the County of Worcester, reported that they had let out the same to Col. Moses Mercy for the Sum of Four Pounds four shillings & had taken his Bond wth Sureties and lodged it in the Province Treasury, their Expence in transacting the said Affair being Fourteen shillings

Read and

*Ordered* That this report be Accepted; and there be allowed and paid out of the public Treasury the Sum of fourteen shillings to the said Comtee in Discharge of their Acco of Time & Expense exhibited. [*Passed February 18.*

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## CHAPTER 280.

Legislative Records of the Council, xxi., 95. Mass. Archives, lxxv., 123.

House Journal, p. 343. Province Laws, iii., 949, note. *Supra*, chap. 278.

VOTE EXEMPTG OFFICERS & SOLDRS IN THE PROPOSED CROWN POINT EXPEDITION FROM THE POLL TAX.

*Voted*, That such Officers and Soldiers as shall go into his Majesty's Service in the proposed Expedition against Crown Point shall not be taxed for their Polls the present Year; and That the several Towns which shall furnish such Officers and Soldiers shall receive out of the Public Treasury an Equivalent thereto. And That public Notice hereof be given Accordingly. [*Passed February 18.*

## CHAPTER 281.

ORDER ALLOWING 3/ PER DIEM TO THE SPEAKR.

*Ordered* That there be granted & allowed to be paid out of the public Treasury the Sum of three Shillings ℔ Diem to the Honble Thos Hubbard Esqr Speaker of the House for every day of his Attendance in the General Court from the Opening of the Session on the 28th of May 1755, over and above his pay as a Member of the House. [*Passed February 18.*[1]

Legislative Records of the Council, xxi., 99. Mass. Archives, xlix., 458.

House Journal, p. 254.

## CHAPTER 282.

VOTE APPOINTING A COMTEE OF WAR FOR THE PROPOSED CROWN POINT EXPEDITION.

In the House of Reps

*Voted*, That there be a Comtee consisting of five persons appointed to provide Provisions, Warlike stores and all other things requisite for carrying on the proposed Expedition against Crown-point, so far as may be necessary on the part of this Governmt

And That Mr Speaker, Mr James Russell & Stephen Hall Esqr with such as the Honble Board shall join be the Said Comtee any three of whom to be a Quorum.

In Council

Read and Concurr'd and John Osborne and Saml Watts Esqrs are join'd in the affair. [*Passed February 19.*

Legislative Records of the Council, xxi., 96. Mass. Archives, lxxv., 127.

House Journal, pp. 344, 345, 346. Province Laws, iii., 961, note.

## CHAPTER 283.

ORDER ALLOWING £40 TO THE CHIEF JUSTICE.

*Ordered*, That the Sum of Forty Pounds be granted and paid out of the Public Treasury to the Honble Stephen Sewall Esqr in Consideration of his faithful discharge of the important Trust reposed in him as Chief Justice, and for his further Encouragemt therein. [*Passed February 19.*

Legislative Records of the Council, xxi., 96. Mass. Archives, xliv., 260.

House Journal, pp. 344, 348.

## CHAPTER 284.

ORDER ALLOWING £250 TO THE PRESIDT OF HARVARD COLLEGE.

*Ordered;* That the sum of Two hundred and fifty Pounds be granted and Allowed to be paid out of the Public Treasury to the Revd Mr Edward Holyoke, President of Harvard College in Cambridge over and Above the Rents of Massachusetts-Hall for one year, ending the tenth day of Septembr next, to be paid quarterly. [*Passed February 19.*

Legislative Records of the Council, xxi., 96. Mass. Archives, lviii., 425.

House Journal, pp. 344, 348.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 20.

## CHAPTER 285.

ORDER ALLOWING £84 TO CHARLES GOODRICH.

Legislative Records of the Council, xxi., 97.

House Journal, pp. 345, 346.

*Ordered* that there be allowed & paid out of the public Treasury to Charles Goodrich the Sum of Eighty Pounds in full Discharge of his Accompt of billeting Sixteen Men at Pontoosuck from the 9th of May to the 8th of September in the Year 1755. [*Passed February 19.*

## CHAPTER 286.

ORDER ALLOWING £750 TO THE JUDGES.

Legislative Records of the Council, xxi., 97. Mass. Archives, xliv., 259.

House Journal, pp. 344, 348.

*Ordered*, That the Sum of Seven hundred & fifty Pounds be granted and paid out of the Public Treasury to the Hon^ble^ Justices of the Superior Court of Judicature, Court of Assize And General Goal Delivery for their Service for one year, ending the first day of January last. [*Passed February 19.*

## CHAPTER 287.

ORDER GRANTING TO JOSIAH CHEVER LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xxi., 97. Mass. Archives, cxx., 81.

Mass. Archives, cxx., 80. House Journal, p. 348.

A PETITION of Josiah Chever of Glocester Trader, praying that this Court would impower the Court of General Sessions of the Peace for the County of Essex at their next Term to grant the Pet^r^ a Licence to retail strong Liquors in y^e^ s^d^ Town.

Read &

*Ordered* That the Prayer of this Petition be granted; And That the Justices of the Court of General Sessions of the Peace for the County of Essex, be and hereby are impowered to Licence the Pet^r^ (if they see fitt) to be a retailer of Spirituous Liquors in the Town of Glocester he producing the approbation of the Select Men of Said Town, the time for granting Licences being elapsed Notwithstanding. [*Passed February 19.*

## CHAPTER 288.

ORDER GRANTING TO ELIZABETH RICE LICENCE TO KEEP AN INN.

Legislative Records of the Council, xxi., 119. Mass. Archives, cxi., 368.

Mass. Archives, cxi., 367. House Journal, p. 346.

A PETITION of Elizabeth Rice Widow of Aaron Rice late of Rutland Inn-holder dec^d^ shewing that her said Husband engaged in the late Expedition against Crown Point, and died before his Return, having left a sufficiency of Liquors and other Things necessary for an Inn in his House, and therefore praying that the Court of General Sessions of the Peace may be impowered to licence the Pet^r^ to keep the said Inn.

Read and

*Ordered*, That the prayer of this Petition be so far granted as that the Justices of the Court of Gen[l] sessions of the Peace for the County of Worcester be and hereby are impowered at their next Term to grant (if they See fit) to the Petitioner a Licence to keep an house of public Entertainm[t] in y[e] Town of Rutland, She first Obtaining the Approbation of the Select Men of said Town, the time for granting Licences being Elapsed Notwithstanding. [*Passed February 19.*[1]

## CHAPTER 289.

VOTE IN REGARD TO PAYMENT OF ALLOWANCE ON MUSTER ROLLS FOR SOLDIERS SUBSISTENCE.

*Voted*, That the Treasurer be directed in paying off the Muster-Rolls for the late Crown-point Expedition to suspend paying the last Column of the said Rolls containing the allowance to y[e] Soldiers for their Subsistence on their return to their respective homes, till the further order of this Court. [*Passed February 20.*

Legislative Records of the Council, xxi., 97. Mass. Archives, lxxv., 135.

House Journal, p. 349.

## CHAPTER 290.

ORDER ALLOWING 55/6½ TO MATH. HUTCHINSON.

A Petition of Mathew Hutchinson, praying for some Support from this Court for hurt he received in his Breast while he was in his Majesty's Service at the Seige of Louisbourgh, by which he is still disabled,

Read and

*Ordered*, That there be allowed & paid out of the Public Treasury to the Petitioner Matthew Hutchinson the Sum of Fifty five Shillings & six pence half peny, in Consideration of his services & Sufferings mentioned. [*Passed February 20.*

Legislative Records of the Council, xxi., 98. Mass. Archives, lxxiv., 323.

Mass. Archives, lxxiv., 323.

House Journal, p. 351.

## CHAPTER 291.

ORDER ALLOWING £150 TO THE COMMISS[Y] GENERAL.

*Ordered*, That there be granted and Allowed to be paid out of the public Treasury the Sum of One hundred & fifty Pounds to John Wheelwright Esq[r] Commissary-General, for his Service in that office for one Year. [*Passed February 20.*

Legislative Records of the Council, xxi., 98. Mass. Archives, lxxv., 134.

House Journal, pp. 344, 348.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 6.

## CHAPTER 292.

ORDER ALLOWING 50/ TO PHINEAS TYLER.

Legislative Records of the Council, xxi., 98. Mass. Archives, lxxv., 114.

House Journal, p. 353.

A PETITION of Phineas Tyler a Soldier in the late Expedition against Crown Point, shewing that he came home sick from the said Service & continued so for some time, praying that he may be allowed his Sickness, Charges &c[a]

Read and

*Ordered* That there be allowed & paid out of y[e] public Treasury the Sum of fifty Shillings to the Pet[r] Phineas Tyler in Consideration of his Expence & Sickness mentioned. [*Passed February 21.*[1]

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## CHAPTER 293.

ORDER ADJOURNING THE COURTS OF BARNSTABLE COUNTY.

Legislative Records of the Council, xxi., 99. Mass. Archives, xliv., 261.

House Journal, p. 358. Province Laws, iii., 64, chap. 32. *Infra*, chap. 294.

WHEREAS The Court of General Sessions of y[e] peace & Inferior Court of Common pleas are by Law appointed to be held at Barnstable on the Third Tuesday of March next, and This Court having adjourned Plymouth Courts into the same week which will make it inconvenient for two Courts in the said Counties adjoining to sit at the same time: therefore

*Ordered* That the said Court of General sessions of the Peace & Inferior Court of Common pleas which by Law are to be holden at Barnstable Aforesaid be and hereby Are adjourned to the second Tuesday in May Next to be held at the Court house in said Town of Barnstable at Ten of the Clock in the forenoon of Said Day; And All pleas writts Actions suits plaints, processes, precepts recognizances & other thing & things whatsoever, returnable or having day or days in the said Courts shall stand Abide & Continue unto the said adjournment & be held deemed & adjudged to be as good effectual & available in Law to all intents Constructions & purposes whatsoever as if such Courts had been held & kept on the Day by Law for holding the same, and no Adjournment thereof had been made. [*Passed February 21.*

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## CHAPTER 294.

VOTE ADJOURNING THE COURTS OF PLYMOUTH COUNTY.

Legislative Records of the Council, xxi., 100. Mass. Archives, xliv., 262.

House Journal, p. 357. *Ante*, p. 402, chap. 187.

WHEREAS The Court of Gen[l] Sessions of the Peace & Inferior Court of Common pleas which by Law were to have been holden at Plymouth on the Third Tuesday of Dec[r] last, were by this Court adjourned to the first Tuesday of March Next which is by Law One of the times for holding said Courts in said County, And Whereas divers of the Justices & others that have business there are Members of this Court, And the important affairs of the Province now depending require their Attendance thereon: Wherefore

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 20.

*Ordered* That all the Courts aforementioned be and hereby are adjourned to the Third Tuesday of March Next, to be held at the Court house in the said Town of Plymouth at Ten of the Clock in the forenoon of Said Day; And all Pleas Writts, Actions, suits Plaints, Processes, Precepts, recognizances And other thing & things whatsoever returnable or having day or days in said Courts shall stand Abide & Continue unto the said Adjournm$^{t}$ to y$^{e}$ 3$^{rd}$ Tuesday in March next & be held deemed and adjudged to be as good effectual & available in Law to all Intents Constructions & purposes whatsoever as if such Courts had been held & kept on the Day or days by Law for holding the same, and no adjournment thereof had been made. [*Passed February 21.*

## CHAPTER 295.

ORDER ALLOWING 30/ TO ISAAC BELLOWS.

A PETITION of Isaac Bellows of Rutland Praying for an Allowance for Work by him done for the Province at Fort Halifax. Legislative Records of the Council, xxi., 100.

Read &

*Ordered* that there be allow'd & paid out of the public Treasury the Sum of Thirty Shillings to the Pet$^{r}$ Isaac Bellows in full Consideration of his Services mentioned. [*Passed February 21.* House Journal, pp. 351, 353.

## CHAPTER 296.

ORDER IMPOWERING JOHN AVERY AND JOHN DEMING TO EXPORT PROVISIONS TO SURINAM.

A MEMORIAL of John Avery and John Deming shewing that they are fitting out the Schooner Neptune for Surinam, praying for Liberty to ship a Quantity of Irish Butter, Flour & Beef in said Vessel for said Port. Legislative Records of the Council, xxi., 102. Mass. Archives, lxv., 186.

Read and

*Ordered* That the Prayer of this Memorial be so far granted, as That the memorialists be allowed to ship the Provisions mentioned on board the Schooner Neptune, and that the Commissioner of Impost be and hereby is impowered & required to take Bond of the Memorialists in the Sum of one Thousand Pounds Sterling for landing the same at the Port of Surrinam; And That the Chief Officer of said Vessell on his return make oath that the said Provisions were landed at the said Port, and upon his taking the said Oath, the said Bonds shall be Cancelled. [*Passed February 21.*[1] Mass. Archives, lxv., 185. Legislative Records of the Council, xxi., 103. House Journal, p. 352. *Ante*, p. 270, chap. 261.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 23.

## CHAPTER 297.

VOTE THAT NO OFFICER HAVE A DOUBLE CAPACITY EXCEPT COL. RICHARD GRIDLEY.

Legislative Records of the Council, xxi., 108. Mass. Archives, lxxv., 136.

House Journal, p. 349. *Ante*, p. 386, chap. 146.

*Voted*, That no person be made up in the Muster-Rolls for the late Crown-Point Expedition, in a Double Capacity except Col° Gridley; And That the first Lieu^t^ in each of the Field Officers Companies be allowed Captains pay, and their second Lieu^ts^ allowed Lieutenant's pay. [*Passed February 21.*[1]

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## CHAPTER 298.

ORDER ALLOWING £5 TO CHARLES CASEDY.

Legislative Records of the Council, xxi., 102.

Executive Records of the Council, xiii., 44. House Journal, pp. 351, 353.

A PETITION of Charles Casedy a Soldier in the late Expedition ag^st^ Crown Point, setting forth his Sufferings & Expences by Sickness contracted in the said Service, Praying for an Allowance therefor out of the Treasury.

Read &

*Ordered* that there be allowed & paid out of the public Treasury the Sum of Five Pounds to the Pet^r^ Charles Casedy in Consideration of his Sufferings mentioned. [*Passed* February 23.*

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## CHAPTER 299.

VOTE TO ENCOURAGE THE LATE NOVA SCOTIA SOLD^RS^ TO RE-ENLIST FOR THE PROPOSED CROWN POINT EXPEDITION.

Legislative Records of the Council, xxi., 104. Mass. Archives, lxxv., 147.

House Journal, p. 359. *Ante*, p. 385, chap. 144.

*Voted* That such Soldiers as are or have been in the Service at Nova Scotia last Year, and shall inlist for the proposed Expedition against Crown-Point shall receive half wages from the 17^th^ of Dec^r^ last to the 20^th^ of March next over & Above the six Dollars And a Blankett y^e^ Common Bounty promised to all such as enlist, shall be freed from any Poll Tax the present Year, & shall be dismissed as soon as the Expedition shall be over, or at furthest in One year from their enlisment. [*Passed February 24.*

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## CHAPTER 300.

VOTE IN REGARD TO CLOATHING FOR THE SOLD^RS^ AT FORT W^M^ HENRY AND FORT EDWARD.

Legislative Records of the Council, xxi., 104. Mass. Archives, lxxv., 149.

WHEREAS it appears to this Court that a promise was made by the Comiss^rs^ of this Governm^t^ to such of the Soldiers belonging to this Province who should appear willing to Tarry at Fort William Henry & Fort Edward a Great Coat, a Blankett & a Bed Sack

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 26.

to each Man over and Above their Wages, to encourage them to engage in the said Service: Therefore

*Voted*, That each non-Commission Officer and Soldier who engaged to perform the said Service till the sixth day of Feb$^{y}$ instant, and did not desert the same, be entitled to and receive the sum of two pounds thirteen Shillings & four pence in Cloathing, in the room of the Great Coat & Blankett promised them, exclusive of the Bed Sack, provided they deliver it up at their dismission. [*Passed February 24.*

Legislative Records of the Council, xxi., 73, 92, 100. House Journal, pp. 363, 365.

## CHAPTER 301.

ORDER GRANTING TO WILL$^{M}$ HUNT LICENCE TO KEEP AN INN.

A PETITION of William Hunt of Tewksbury shewing that he is commodiously situated for keeping an Inn in said Town, where it is much needed, praying that the Court of General Sessions of the Peace for the County of Middlesex may be impowered to grant him a Licence therefor.

Read and

*Ordered*, That the Prayer of this Petition be so far granted as That the Justices of the Court of Gen$^{l}$ Sessions of the Peace for the County of Middlesex be and hereby are impowered at their sessions in March next (if they See fit) to grant y$^{e}$ Petitioner a Licence to be an Innholder in the Town of Tewksbury, he producing the Approbation of the Select Men of s$^{d}$ Town, the Time of granting Licences being elapsed notwithstanding. [*Passed February 24.*

Legislative Records of the Council, xxi., 104. Mass. Archives, cxi., 370.

Mass. Archives, cxi., 369. House Journal, pp. 364, 365.

## CHAPTER 302.

ORDER ALLOWING 15/8 TO JOEL CLARK.

A PETITION of Joel Clark a Soldier in the late Expedition &c$^{a}$ pray$^{g}$ that he may be allowed by this Court the Expence of his Sickness, which he contracted while in the said Service.

Read and

*Ordered*, There be allowed and paid out of y$^{e}$ public Treasury the Sum of fifteen Shillings & eight pence to the Petitioner in Consideration of his Expences mentioned. [*Passed February 24.*

Legislative Records of the Council, xxi., 104. Mass. Archives, lxxv., 67.

Mass. Archives, lxxv., 67. House Journal, pp. 361, 364.

## CHAPTER 303.

ORDER ALLOWING £7. 18. 5 TO GIDEON CLARK.

A PETITION of Gideon Clark a Soldier in the late Expedition against Crown Point, shewing that he was taken sick in his March, and praying that he may be allowed for his Expence & Loss of Time occasioned thereby.

Read and

*Ordered*, That there be allowed And paid Out of the Public Treas-

Legislative Records of the Council, xxi., 104. Mass. Archives, lxxv., 69.

Mass. Archives, lxxv., 68.

House Journal, pp. 361, 364.

ury the Sum of Seven pounds eighteen Shillings & five pence to the Petitioner in Consideration of his Expences mentioned. [*Passed February 24.*

## CHAPTER 304.

ORDER ALLOWING £8. 14 TO ABISHA BROWN.

Legislative Records of the Council, xxi., 105. Mass. Archives, lxxv., 113.

A PETITION of Abishai Brown a Soldier in the late Expedition against Crown Point, Praying that this Court would allow him the Charges occasioned by his Sickness in the said Service.

Read and

Mass. Archives, lxxv., 113. House Journal, pp. 356, 363.

*Ordered* That the prayer of this Petition be granted, and there be allowed and paid out of the Public Treasury to the said Abishai Brown the Sum of Eight pounds fourteen Shillings in full of y^e^ Acco^ts^ for Doctor Nursing, Attendance & Expence exhibited. [*Passed February 24.*

## CHAPTER 305.

VOTE FOR A COM^TEE^ OF WAR FOR THE PROPOSED CROWN POINT EXPEDITION TO RESIDE AT ALBANY.

Legislative Records of the Council, xxi., 105. Mass. Archives, lxxv., 148.

In the House of Rep^v^

*Voted*, That three Gentlemen be appointed as a Committee of War to reside at or near Albany, and to follow such Instructions as they shall receive from this Court, for the more effectual Carrying the proposed Expedition against Crown-Point into Execution, the said Gentlemen to be chosen, by joint Ballot with the Hon: Board.

House Journal, p. 362. Province Laws, iii., 961, note. *Post*, p. 451, chap. 307.

In Council Read & Concur'd. [*Passed February 24.*

## CHAPTER 306.

ORDER ALLOWING 58/2 TO JOSHUA DICKENSON.

Legislative Records of the Council, xxi., 107. Mass. Archives, lxxv., 124.

A PETITION of Joshua Dickenson shewing that he has been at Expence for the Sickness of Phineas Beaumont his Servant & a Soldier in the late Expedition of which Sickness he died, praying to be allowed his said Expence.

Read and

Mass. Archives, lxxv., 124. House Journal, p. 363.

*Ordered*, That the Prayer of this Mem^o^ be granted; And that there be allowed to the Memorialist the sum of fifty Eight Shillings and two pence, and paid out of the public Treasury for his Use, to Israel Williams Esq^r^ in full discharge of the Acco^t^ annexed.[1] [*Passed February 24.*[2]

[1] This account has not been found.

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is February 25.

## CHAPTER 307.

VOTE APPOINTING A COMTEE OF WAR FOR THE PROPOSED CROWN POINT EXPEDITION TO RESIDE AT ALBANY.

This day being appointed for the Choice of three Gentlemen to repair to Albany as a Committee of War on the part of this Government To Transact such nessary [1] measures for carrying into Execution the proposed Expedition agst Crown point as shall be thought needful The three following Gentn were Chosen by a Major Vote of the Council and House of Representatives vizt

John Choate Esqr
Josiah Dwight Esqr
John Morray Esqr

[*Passed February 25.*

Legislative Records of the Council, xxi., 105. Mass. Archives, lxxv., 155.

House Journal, pp. 365, 367 *bis*, 368.

Province Laws, iii., 961, note. *Supra*, chap. 305.

## CHAPTER 308.

VOTE APPOINTING GUARDIANS FOR THE INDIANS OF MARTHA'S VINEYARD.

The two Houses proceeded to the Election of Guardians to the Indians of Martha's Vineyard, And Mr Sylvanus Allen, Deacon Timothy Mayhew, & Dr Thomas Mayhew were duly elected to that Trust by the Major Vote of the Council & House of Representves To which the Governour signed his Consent. [*Passed February 25.*

Legislative Records of the Council, xxi., 105.

House Journal, pp. 350, 365, 367, 368.

## CHAPTER 309.

ORDER IMPOWERING Mr JAMES RUSSELL TO EXPORT PROVISIONS TO ENGLISH WEST INDIES.

A Petition of James Russell of Charlestown, Mercht shewing that he is about to load the Schooner Boscawen with a Cargo for the English West India Islands, Praying that he may have Liberty to send a small Quantity of Pork for the Consumption of the Inhabitants there.

Read and

*Ordered*, That the Prayer of this Petition be so far granted as that the Petr be allowed to Ship the Provisions mentioned on board the Schooner Boscawen & she to proceed therewith to the English West India Islands, the Petitioner giving Bond in the Sum of One thousand pounds sterlg to the Comissr of Impost, who is hereby impowered & required to take the same, for landing the said provisions at some one or more of the said Islands; And that upon the return of sd Vessel, the Petitioner producing a Certificate from the Chief Officer or Officers of his Majesty's Customs in ye Said Islands respectively of their being so landed, the said Bonds to be Cancelled. [*Passed February 25.*

Legislative Records of the Council, xxi., 106. Mass. Archives, lxv., 180.

Mass. Archives, lxv., 179. House Journal, p. 367. *Ante*, p. 270, chap. 261.

*Sic.*

## CHAPTER 310.

RESOLVE ALLOWING HALF WAGES FROM DECEMBER 17 TO MARCH 20 TO SOLDIERS OF THE CROWN POINT EXPEDITION RE-ENLISTING.

Legislative Records of the Council, xxi., 107. Mass. Archives, lxxv., 159.

Mass. Archives, lxxv., 121. House Journal, pp. 342, 357, 368. *Ante*, p. 442, chap. 278.

WHEREAS some Doubts may arise whether the half Wages engaged by the Vote of this Court, and by his Excell$^{y}$'s proclamation Consequent thereupon to those Soldiers who were in the late Expedition against Crown Point, & who shall again enlist for that service shall extend further than to the time when they shall inlist anew.

*Resolved* That all such Soldiers who were in the last Expedition against Crown point & shall inlist anew shall be Allowed half Wages from the 17$^{th}$ Dec$^{r}$ last to the 20$^{th}$ day of March next. [*Passed February 25.*

## CHAPTER 311.

ORDER ALLOWING £6. 14. 4½ TO SAM$^{L}$ CHAFFIN.

Legislative Records of the Council, xxi., 108. Mass. Archives, lxxv., 129.

Mass. Archives, lxxv., 128. House Journal, pp. 364, 366.

A PETITION of Samuel Chaffin a Soldier in the late Expedition ag$^{st}$ Crown Point, shewing that he was taken sick in the said Service, Praying that he may be allowed his Charges according to the Acco$^{t}$ exhibited.

Read and

*Ordered*, That there be allowed and paid out of the public Treasury to the Pet$^{r}$ the Sum of Six Pounds, fourteen Shillings & four pence ½$^{d}$ in full discharge of the Acco$^{ts}$ exhibited. [*Passed February 25.*[1]

## CHAPTER 312.

ORDER DIRECTING THAT MR SPEAKER THOMAS HUBBARD, WILLIAM BAKER AND ALEXANDER YOUNG BE DEFENDED AND INDEMNIFIED AT THE CHARGE OF THE PROVINCE IN CERTAIN SUITS.

Legislative Records of the Council, xxi., 107. Mass. Archives, xlix., 462.

House Journal, pp. 63, 64 (October, 1754); pp. 10, 23, 52, 58, 59, 349, 352, 372.

In the House of Rep$^{s}$

Whereas Tho$^{s}$ Hubbard Esqr W$^{m}$ Baker & Allexander Young have been Impleaded by Dan$^{l}$ Fowle & y$^{e}$ s$^{d}$ W$^{m}$ Baker has been Impleaded by Royal Tyler, for their doings by Order of y$^{e}$ last house of Representatives[2] and y$^{e}$ Actions are still pending in the Law and Whereas the Rights & Privilidges of the House of Representatives of this Province are in & by Those Actions Called in Question.

It is therefore

*Ordered* that y$^{e}$ Said Tho$^{s}$ Hubbard Esq$^{r}$ W$^{m}$ Baker & Allex$^{r}$ Young be at y$^{e}$ Charge of this Province defended in y$^{e}$ Actions afores$^{d}$ Thoroughout the Course of y$^{e}$ Law, and Indemnified. And that Edmund Trowbridge James Otis & Jer$^{h}$ Gridley Esq$^{rs}$ a Committey heretofore Appointed by this house to Attend & Take Care

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 26.

[2] The House action referred to was in connection with the publication of a libellous pamphlet, entitled "A Monster of Monsters," reflecting upon the members of the House. The House undertook to punish the printer and publisher. A full account of their proceedings will be found by reference to the House Journal citations in the margin.

of the Defence of y^e^ Actions afores^d^ be from Time to Time paid Out of y^e^ Province Treasury Such Sums of Money as Shall be Suff^t^ to Enable them properly to defend Those Actions, in this Province, and in Case of An Appeal to his Majestie in Council; or that y^e^ Actions afores^d^ Should Otherwise be Carried home, That y^e^ Said Thomas Hubbard Esq^r^ W^m^ Baker & Allex^r^ Young be There defended in the Actions afores^d^ at y^e^ Publick Charge by the Agent of this Province.

In Council Read and Concur'd. [*Passed February 26.*

## CHAPTER 313.

ORDER ALLOWING £3. 0. 10 TO JN^O^ GOODWIN.

A Petition of John Goodwin a Soldier in the late Expedition against Crown Point, shewing that he was taken sick in the said Service Praying that he may be allowed his Charge occasioned by his Sickness.

Legislative Records of the Council, xxi., 108. Mass. Archives, lxxv., 132.

Read and

*Ordered*, That there be allowed & paid out of the Public Treasury the Sum of Three pounds & ten pence to the Petitioner John Goodwin, in consideration of his Expences Mentioned. [*Passed February 26.*

House Journal, pp. 361, 369.

## CHAPTER 314.

ORDER ALLOWING £7. 5. 4 TO OBADIAH HOLT, ALSO £8. 7 TO EBENEZER PIKE AND £5. 0. 8 TO JAMES BOUTELL, EXECUTOR, AND £4 TO TIMOTHY HUTCHINSON.

A Petition of *Obadiah Holt*, and others, setting forth, that they were engaged in the late Expedition against *Crown-Point*, and during that Service by Reason of their Wounds & Sickness, unable to return to their several Homes without great Difficulty & Expence, for which the Allowance made by the Court of a Day's Wages for every fifteen Miles they were distant from Home, is by no Means an Equivalent; and praying such further Consideration may be made them for their Charges & Sufferings mentioned, as may be tho't reasonable.

House Journal, p. 351. Mass. Archives, lxxv., 119.

Mass. Archives, lxxv., 118. House Journal, p. 370. *Ante*, p. 432, chap. 256; p. 440, chap. 275.

Read and

*Ordered*, That there be allowed & paid out of y^e^ public Treasury to y^e^ S^d^ Obadiah Holt the Sum of Seven pounds five Shillings & four pence in full Consideration of his Expence in his Sickness mentioned: & That there be also paid to the S^d^ Ebenezer Pike the Sum of Eight Pounds seven Shillings; And to y^e^ S^d^ James Boutell Executor to y^e^ S^d^ John Boutell's last Will & Testament y^e^ Sum of five pounds & Eight pence; And to the S^d^ Tim^o^ Hutchinson the Sum of Four pounds, All in full of their several Demands as in this Petition Mentioned. [*Passed February 26.*

# CHAPTER 315.

ORDER ALLOWING £177 TO JN° KINGSBURY AND OTHERS.

Legislative Records of the Council, xxi., 108.

Mass. Archives, cxxiv., 419. House Journal, pp. 370, 373.

AN ACCOMPT presented by John Kingsbury Overseer of the Company of Carpenters at Fort William Henry &c^a containing an Account of Wages due to the said Carpenters for Work done there, amount^g to the Sum of £177:

Read &

*Ordered* that there be allowed & paid out of the public Treasury to the several Persons mentioned in this Account the several Sums affixed to their respective Names amounting in the whole to One hundred & seventy seven Pounds. [*Passed* * *February 26.*

# CHAPTER 316.

VOTE ESTABLISHING WAGES AND SUBSISTENCE FOR OFFICERS & SOLD^RS IN THE EXPED^N AGAINST CROWN POINT.

Legislative Records of the Council, xxi., 109. Mass. Archives, lxxv., 175.

House Journal, pp. 370, 371, 372. *Ante*, p. 443, chap. 282.

*Voted*, THAT the following Establishment of Wages be made for the Officers and Soldiers going in the intended Expedition to *Crown-Point*,

| | £. | s. | d | |
|---|---|---|---|---|
| That the Wages for a Colonel to each Regiment consisting of 500 Men, be | 12 | 16 | 0 | *per Month.* |
| For one Lieutenant-Colonel for such Regiment | 10 | 13 | 4 | ditto |
| For one Major to ditto | 9 | 1 | 4 | ditto |
| For one Commissary to ditto | 5 | 8 | 0 | ditto |
| For a Captain of 50 Men including Officers | 5 | 8 | 0 | ditto |
| For one Lieutenant for such Company | 3 | 12 | 0 | ditto |
| For one Ensign for ditto | 2 | 8 | 0 | ditto |
| Provided such Captain, Lieutenant and Ensign raise a Company of 50 Men. | | | | |
| For one Chaplain for each Regiment | 6 | 8 | 0 | ditto |
| For one Adjutant for each Regiment | 2 | 8 | 0 | ditto |
| For one Chirurgeon to each Regiment | 10 | 0 | 0 | ditto |
| For one Chirurgeon's Mate to ditto | 5 | 6 | 8 | ditto |
| For three Serjeants to each Company, to each | 1 | 18 | 4 | ditto |
| For four Corporals to each Company to each, | 1 | 13 | 6 | ditto |
| For one Clerk to each Company | 1 | 18 | 4 | ditto |
| For one Drum-Major | 1 | 18 | 4 | ditto |
| For one common Drummer to each Company | 1 | 13 | 6 | ditto |
| For each private Centinel | 1 | 12 | 0 | ditto |
| For one Armourer to each Regiment | 4 | 0 | 0 | ditto |
| For his Assistant | 2 | 0 | 0 | ditto |
| Captain-Lieutenant to the Colonel | 5 | 8 | 0 | ditto |
| Commissary for the Hospital | 3 | 0 | 0 | ditto |
| That there be allowed two Lieutenants to each of the Field-Officers Company that the second Lieutenant in the Colonel's Company and the two Lieutenants in the Lieutenant-Colonel's and Major's Company be allowed (each) | 3 | 12 | 0 | ditto |

That there be allowed for inlisting the several Soldiers for said Expedition, *three Shillings* each, to be paid to the Captains who shall inlist the same.

That the Officers and Soldiers Allowance, after their Departure from their respective Habitations to the Place of general Rendezvous, or until they receive the Province Stores for their Subsistance, *one Shilling & six-Pence* per Day fifteen Miles to be accounted a Day's Travel; and the same Allowance Home after the Service is over.

That there be given the following Allowance after the Arrival at the Place of general Rendezvous,

| | | |
|---|---|---|
| To each Man, | Fourteen Ounces of Bread | *per Diem* |
| | Ditto of Pork | ditto |
| | One Jill of Rum | ditto |
| | Half a Pint of Peas or Beans | ditto |
| | Half a Pound of Sugar | *per Week* |
| | Two Ounces of Ginger | ditto |
| | One Pound of Flour | ditto |
| | One Pint of Indian-Meal | ditto |
| | Four Ounces of Butter | ditto |
| | One Pint of Molasses | ditto |

That the Sum of *three hundred Pounds* be laid out by the Committee of War for Things necessary for the Sick and Wounded.

That there be allowed *one hundred Pounds* for each Colonel's Table. And,

That every Commissary be accountable on Oath for all the Provisions and other Things they shall receive, and be under Bond with sufficient Sureties for the faithful Discharge of their Trust; and that they shall not deduct any Part out of said Provisions and apply it to their own Use.

And, That this Government pay their Proportion with the other Governments engaged in said Expedition of the several Officers hereafter named, the respective Sums following, *Viz.*

| | £. | s. | d. | |
|---|---|---|---|---|
| One Bombardier who shall be Captain of the Artillery | 12 | 16 | 0 | *per Month* |
| One Lieutenant of the Artillery | 5 | 6 | 8 | ditto |
| A second Bombardier | 4 | 5 | 4 | ditto |
| Three Bombardier Assistants (each) | 2 | 13 | 4 | ditto |
| Sixteen Gunners (each) | 2 | 0 | 0 | ditto |

[*Passed February 26.*

## CHAPTER 317.

### ORDER ALLOWING £3. 10 TO JACOB ESTY.

A PETITION of Jacob Easty shewing that his Son Elijah Easty a Soldier in the late Expedition against Crown Point was taken sick while he was in the Service, praying to be allowed the Charge of his Sickness,

Legislative Records of the Council, xxi., 107. Mass. Archives, lxxv., 133.

Read and

*Ordered*, That there be allowed & paid out of the Public Treasury to the Pet$^{r}$ Jacob Esty the Sum of three pounds ten shillings in full of the Charge of bringing home his Son Elijah from Fort William Henry, for Nursing & other Necessary Expences. [*Passed February 27.*[1]

House Journal, pp. 366, 367.

## CHAPTER 318.

### VOTE IN REGARD TO THE PAYMENT OF SUBSISTENCE MONEY TO THE SOLD$^{RS}$.

*Voted*

that the Subsistance heretofore allow'd from y$^{e}$ time of Inlistm$^{t}$ to the time of marching the Last Recruits in y$^{e}$ Last years Expedition for Crown Point be paid to Such Officers as have actually paid y$^{e}$ Same to their Respective Soldiers and the Rest Shall be paid to y$^{e}$ Soldiers or their order by y$^{e}$ Treasurer and a Collumne be made in y$^{e}$ muster Rolls accordingly. [*Passed February 27.*

Legislative Records of the Council, xxi., 110. Mass. Archives, lxxv., 161.

House Journal, p. 374.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 25.

## CHAPTER 319.

VOTE THAT NO ALLOWANCE BE MADE TO THE OFFICERS FOR ENLISTING THE 2,000 MEN FOR THE PROPOSED CROWN POINT EXPEDITION.

Legislative Records of the Council, xxi., 111. Mass. Archives, lxxv., 160.

*Voted*, That there shall be no Allowance made to the Officers who inlisted the 2,000 Men raised in Sep$^{r}$ last for reinforcing the Army under the Comand of Maj$^{r}$ Gen$^{l}$ Johnson in Consideration of their inlisting the said Men. [*Passed February 27.*

Legislative Records of the Council, xx., 525. House Journal, p. 375.

## CHAPTER 320.

VOTE EXTENDING THE TIME FOR THE ENLISTMENT OF SOLDIERS FOR THE PROPOSED CROWN POINT EXPEDITION AND ALLOWING HALF WAGES, UNDER CONDITIONS.

Legislative Records of the Council, xxi., 111. Mass. Archives, lxxv., 174.

*Voted* That the Time for Inlist$^{g}$ Soldiers into his Majesty's Service for y$^{e}$ proposed Expedition against Crown point be lengthened out to the last day of March next, And that such Men as were in the last Expedition And those belonging to this Province at Fort W$^{m}$ Henry & Fort Edw$^{d}$ And Also Such soldiers as Are or have been in the service at Nova Scotia. & shall inlist anew shall be allowed half Wages from y$^{e}$ 17$^{th}$ of Dec$^{r}$ last when the pay of the last Army Ceased till the Time of their reinlistment provided they inlist before the last day of March Next. [*Passed February 28.*

House Journal, p. 376. *Ante*, p. 448, chap. 300; p. 452, chap. 310.

## CHAPTER 321.

ORDER DIRECTING THE COM$^{TEE}$ OF WAR TO PURCHASE SIX MONTHS PROVISIONS FOR THE PROPOSED CROWN POINT EXPEDITION FORCES.

Legislative Records of the Council, xxi., 112. Mass. Archives, lxxv., 178.

*Ordered*, That The Com$^{tee}$ of War be directed to purchase Provisions &c for the Forces proposed to be raised by this Province on the intended expedition against Crown Point, for six months. [*Passed February 28.*

House Journal, p. 363. *Ante*, p. 443, chap. 282.

## CHAPTER 322.

ORDER ALLOWING £5. 17. 4 TO DAN$^{L}$ NICHOLS.

Legislative Records of the Council, xxi., 112. Mass. Archives, lxxv., 117.

A PETITION of Daniel Nichols of Reading shewing that his Son Dydimus Nichols was a Soldier in the Expedition against Crown Point & was taken sick in his Journey in his Way home after the Army was disbanded of which Sickness he died, praying that the Pet$^{r's}$ Charge therein may be repaid to him out of the public Treasury.

Read And

*Ordered*, That there be allowed & paid out of the public Treasury to y$^{e}$ Pet$^{r}$ Daniel Nichols in full of the Expences mentioned the sum of five pounds seveteen [1] shill$^{s}$ & four pence. [*Passed* * *March 1.*

Executive Records of the Council, xiii., 59. House Journal, pp. 369, 377.

[1] *Sic.*

## CHAPTER 323.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA COFFEE, &c, FOR THE COUNTY OF BARNSTABLE AND ALLOWING 24/ FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 113.

Mass. Archives, cxxiv., 417.

House Journal, pp. 381, 382.

*Ante*, p. 373, chap. 114.

The Committee appointed to let out to farm the Excise upon Coffee Tea &c[a] in the County of Barnstable, reported that they had let out the same to Solomon Otis Esq[r] for the Sum of £9.13.4 and taken his Bond with Sureties & lodged it in the Treasury, their own Charge therein being £2.4.

Read &

*Ordered* that this Report be accepted, and that there be allowed & paid out of the public Treasury to the said Committee the Sum of Twenty four[1] Shillings in discharge of their Account of time & Expence exhibited.[2] [*Passed* * *March 2.*

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## CHAPTER 324.

VOTE APPOINTING A COMM[tee] FOR FARM[g] OUT THE EXCISE ON STRONG LIQUORS IN SUFFOLK COUNTY.

Legislative Records of the Council, xxi., 114.

House Journal, p. 386.

Province Laws, iii., 957, note.

In the House of Represent[ves]

*Voted* that John Quincy & M[r] William Cooper with such as the hon[ble] Board shall join be a Committee to farm out the Excise on Spirituous Liquors for the County of Suffolk,

In Council; Read & Concur'd; And Samuel Watts Esq[r] is joined in the Affair. [*Passed March 3.*

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## CHAPTER 325.

VOTE APPOINTING A COMM[tee] FOR FARM[g] OUT THE EXCISE ON STRONG LIQUORS IN ESSEX COUNTY.

Legislative Records of the Council, xxi., 114.

House Journal, p. 386.

In the House of Representatives;

*Voted* that Henry Gibbs & Daniel Epes Esq[rs] with such as the hon[ble] Board shall join, be a Committee to farm out the Excise on spirituous Liquors for the County of Essex:

In Council; Read & Concur'd, And Benj[a] Lynde Esq[r] is joined in the Affair. [*Passed March 3.*

[1] The State Library copy, Legislative Records of the Council, xxi., 113, reads, "Forty-four."

[2] Mass. Archives, cxxiv., 417, records the payment to James Otis of £2. 17, for farming the excise in Barnstable county; but this apparently is the same charge as appears in the above order.

## CHAPTER 326.

VOTE APPOINTING A COMM$^{TEE}$ FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN MIDDLESEX COUNTY.

Legislative Records of the Council, xxi., 114.

House Journal, p. 386.

In the House of Representatives;

*Voted* that Edmund Trowbridge, and Samuel Livermore Esq$^{rs}$ with such as the hon$^{ble}$ Board shall join be a Committee to farm out the Excise on spiritous Liquors for the County of Middlesex.

In Council; Read & Concur'd; And Ezekiel Chever Esq$^{r}$ is joined in the Affair. [*Passed March 3.*

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## CHAPTER 327.

VOTE APPOINTING A COMM$^{TEE}$ FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN HAMPSHIRE COUNTY.

Legislative Records of the Council, xxi., 114.

House Journal, p. 386.

In the House of Representatives.

*Voted* that Israel Williams & Elijah Williams Esq$^{rs}$ with such as the hon$^{ble}$ Board shall join, be a Comm$^{tee}$ to farm out the Excise on spiritous Liquors for the County of Hampshire.

In Council; Read & Concur'd; And Eleazer Porter Esq$^{r}$ is joined in y$^{e}$ Affair. [*Passed March 3.*

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## CHAPTER 328.

VOTE APPOINTING A COMM$^{TEE}$ FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN WORCESTER COUNTY.

Legislative Records of the Council, xxi., 114. Mass. Archives, cxx., 95.

House Journal, p. 386.

In the House of Repres$^{ves}$

*Voted* that Thomas Steel & Timothy Payne Esq$^{rs}$ with such as the Hon$^{ble}$ Board shall join be a Committee to farm out the Excise on Spirituous Liquors for the County of Worcester.

In Council Read and Concur'd And Joseph Wilder Esq$^{r}$ is joined in the Affair. [*Passed March 3.*

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## CHAPTER 329.

VOTE APPOINTING A COMM$^{TEE}$ FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN PLYMOUTH COUNTY.

Legislative Records of the Council, xxi., 114.

House Journal, p. 386.

In the House of Representatives;

*Voted* that Thomas Clap Esq$^{r}$ & M$^{r}$ Israel Turner, with such as the hon$^{ble}$ Board shall join, be a Committee to farm out the Excise on spirituous Liquors for the County of Plymouth.

In Council; Read & Concur'd, And John Cushing Esq$^{r}$, is joined in the Affair. [*Passed March 3.*

## CHAPTER 330.

VOTE APPOINTING A COMM^TEE FOR FARM^G OUT THE EXCISE ON STRONG LIQUORS IN BARNSTABLE COUNTY.

In the House of Representatives;

*Voted* that James Otis & Roland Cotton Esq^rs with such as the hon^ble Board shall join, be a Committee to farm out the Excise on spiritous Liquors in the County of Barnstable.

In Council; Read & Concur'd, And John Otis Esq^r is joined in the Affair. [*Passed March 3.*

Legislative Records of the Council, xxi., 114.

House Journal, p. 386.

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## CHAPTER 331.

VOTE APPOINTING A COMM^TEE FOR FARM^G OUT THE EXCISE ON STRONG LIQUORS IN BRISTOL COUNTY.

In the House of Representatives,

*Voted* that Samuel White Esq^r & M^r Thomas Moorey with such as the hon^ble Board shall join, be a Com^tee to farm out the Excise on spirituous Liquors in the County of Bristol.

In Council; Read & Concur'd; And George Leonard Esq^r is joined in y^e Affair. [*Passed March 3.*

Legislative Records of the Council, xxi., 114.

House Journal, p. 386.

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## CHAPTER 332.

VOTE APPOINTING A COM^TEE FOR FARM^G OUT THE EXCISE ON STRONG LIQUORS IN YORK C^O.

In the House of Representatives,

*Voted* that M^r John Bradbury, & Edward Millekin Esq^r with such as the hon^ble Board shall join be a Committee to farm out the Excise on spirituous Liquors for the County of York.

In Council; Read & Concur'd, And Richard Cutt Esq^r is joined in the Affair. [*Passed March 3.*

Legislative Records of the Council, xxi., 115.

House Journal, p. 386.

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## CHAPTER 333.

VOTE APPOINTING A COM^TEE FOR FARM^G OUT THE EXCISE ON STRONG LIQUORS IN COUNTY OF DUKES COUNTY.

In the House of Representatives;

*Voted* that James Otis & Roland Cotton Esq^rs with such as the hon^ble Board shall join be a Committee to farm out the Excise on Spirituous Liquors in the County of Dukes County.

In Council; Read & Concur'd, And Sylvanus Bourn Esq^r is joined in the Affair. [*Passed March 3.*

Legislative Records of the Council, xxi., 115.

House Journal, p. 386.

## CHAPTER 334.

VOTE APPOINTING A COMTEE FOR FARMG OUT THE EXCISE ON STRONG LIQUORS FOR NANTUCKET COUNTY.

Legislative Records of the Council, xxi., 115.

House Journal, p. 386.

In the House of Representatives;

*Voted* that Abishai Folger Esqr & Mr Richard Coffin with such as the honble Board shall join be a Committee to farm out the Excise on spirituous Liquors for the County of Nantucket.[1] [*Passed March 3.*

## CHAPTER 335.

VOTE FOR STOPPING WAGES WHERE COMMISSARIES STORES, ETC., HAVE NOT BEEN ACCOUNTED FOR.

Legislative Records of the Council, xxi., 115. Mass. Archives, lxxv., 201.

House Journal, p. 383.

*Voted*, That all officers & others concerned in the Crown Point Expedition, that have received any Blanketts Powder & Ball or any other Things not Accounted for, shall first Account with the Commissary General before they are paid off their part of the Muster Rolls; and the Treasurer is hereby ordered not to pay them till they produce a Certificate from the Commissary General that they have Accounted with him for said Blanketts Powder & Ball or any other things they may have received; & the Commissary General is hereby directed to give each of them A Certificate that they have settled with him, expressing what may be due from them (if any Sum be due) which is to be allowed out of their Wages. [*Passed March 3.*

## CHAPTER 336.

Legislative Records of the Council, xxi., 115. Mass. Archives, lxxv., 200.

House Journal, p. 385.

VOTE ALLOWING 6/ PER DIEM AND NECESSARY CHARGES TO MUSTER MASTERS.

*Voted* That the Muster Masters for the late Crown Point Expedition be severally Allowed six Shillings a day And all necessary Charges for every day they were emploied in that service. [*Passed March 3.*

## CHAPTER 337.

ORDER ALLOWING £8. 6. 4 TO LEMUEL BOYDEN.

Legislative Records of the Council, xxi., 116. Mass. Archives, lxxv., 153.

Mass. Archives, lxxv., 153. House Journal, pp. 377, 383.

A PETITION of Lemuel Boyden a Soldier in the late Expedition against Crown Point, shewing that he was taken sick in his Return home, praying that he may be reimbursed the Expence of his Sickness by this Court.

Read &

*Ordered*, That there be allowed & paid out of the public Treasury the sum of Eight Pounds six Shillings & three pence, to the Petir in Consideration of his Expences Mentioned. [*Passed March 3.*

[1] No addition by the Council is given in either copy of Legislative Records of the Council; the State Library copy, Legislative Records of the Council, xxi., 115, reads, "In Council; Read & Concur'd &."

## CHAPTER 338.

ORDER ALLOWING £7. 8. 10 TO BENJ$^{A}$ SHUTE.

A Petition of Benjamin Shute a Soldier in the late Expedition against Crown Point, shewing that he was taken sick in the said Service praying that this Court would allow him the Expence occasioned thereby.

Legislative Records of the Council, xxi., 116. Mass. Archives, lxxv., 181.

Read And

*Ordered*, That there be allowed and paid out of the public Treasury the sum of seven pounds eighteen Shillings & ten pence to y$^{e}$ Petitioner, in full of his Expences Mentioned. [*Passed March 3.*

Mass. Archives, lxxv., 180. House Journal, pp. 377, 383.

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## CHAPTER 339.

ORDER ALLOWING £4. 10 TO JOSHUA READ.

A Petition of Joshua Read of Woburn an Officer in the late Expedition against Crown Point, shewing that he was taken sick in the said Service, praying that this Court would reimburse him the Expence of his said Sickness:

Legislative Records of the Council, xxi., 116. Mass. Archives, lxxv., 152.

Read and

*Ordered*, That there be allowed and paid out of the Public Treasury to the Pet$^{r}$ Joshua Read the Sum of four pounds Ten Shillings in full of the Charges Mentioned. [*Passed March 3.*

Mass. Archives, lxxv., 151. House Journal, pp. 365, 373.

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## CHAPTER 340.

ORDER ADJOURN$^{G}$ THE COURTS OF BRISTOL COUNTY.

Whereas Several Members of the Court of General Sessions of the Peace & Inferior Court of Common pleas which by Law are to be holden at Taunton in the County of Bristol on the Second Tuesday of March Current are Members of this Court, which it is probable may be setting at the same time, And the important affairs of the province now depending, require their attendance thereon: Wherefore

Legislative Records of the Council, xxi., 116. Mass. Archives, xliv., 263.

House Journal, pp. 388, 389. Province Laws, iii., 64, chap. 32; 313, chap. 15.

*Ordered*, That the Courts aforementioned (that were to be held at the Time aforesaid) be and Hereby are adjourned to the fourth Tuesday of March Current to be held at the Court house in said Town of Taunton, at ten of the Clock in the forenoon of said Day: & All Pleas Writts Actions suits Plaints Processes, Precepts recognizances and other thing & things whatsoever, returnable or having day or days in the said Courts shall stand Abide & Continue unto the said Adjournment, And be held deemed & adjudged to be as good effectual & available in Law to all Intents Constructions & purposes whatsoever as if such Courts had been held and kept, on the day by Law for holding the same, and no adjournment thereof had been made. [*Passed March 4.*

## CHAPTER 341.

ORDER ALLOWING £35. 2. 4 TO JOSEPH DWIGHT; £37. 15. 1 TO ELIJAH WILLIAMS; £221. 0. 3 TO SAMUEL BROWN.

House Journal, p. 384. Mass. Archives, ccxlviii., 185.

THE COMMITTEE appointed on sundry Accounts received from *Stockbridge* for Billeting Soldiers; reported thereon,

Read and

*Ordered*, That there be allowed and paid out of the public Treasury To Joseph Dwight Esq[r] the Sum of Thirty five pounds two shillings & four pence, to Elijah Williams the Sum of Thirty seven pounds fifteen Shillings and one peny; And to M[r] Samuel Brown the Sum of Two hundred and Twenty one pounds And three pence, to be by him paid to the persons mentioned in the foregoing List[1] agreeable to the several Sums Set against their Names respectively, being in full Discharge of the several Acco[ts] herewith Exhibited. [*Passed March 4.*

Mass. Archives, cxxv., 409. House Journal, p. 384.

## CHAPTER 342.

ORDER GRANTING TO LYDIA NORWOOD LICENCE TO KEEP AN INN.

Legislative Records of the Council, xxi., 117. Mass. Archives, cxi., 371.

A PETITION of Lydia Norwood, Widow of Zackeus Norwood late of Lyn Taverner dec[d] Praying that the Court of General Sessions of the Peace for the County of Essex may be impowered to grant her a Licence as a Taverner in the House she is now in until the End of the Year.

House Journal, p. 391.

Read &

*Order'd* that the Court of General Sessions of the Peace next to be holden within & for the County of Essex be & they are hereby impowered, if they think fit, to grant Licence to the said Lydia to be an Innholder in the said Town of Lyn, & to give publick Entertainment in the House where she now dwells she first obtaining the approbation of the Select Men of said Town for that purpose; The Time by Law allow'd for granting Licences in said County being Elapsed notwithstanding. and Liberty is hereby granted her to keep such House of Publick Entertainment in the mean time. [*Passed March 5.*[2]

## CHAPTER 343.

Legislative Records of the Council, xxi., 118. Mass. Archives, lxxv., 228.

VOTE DIRECTING THE PROVINCE TREAS[R] TO TAKE BOND OF OFFICERS WHO RECEIVE ENLIST[G] MONEY.

House Journal, p. 391. *Ante*, p. 365, chap. 94.

*Voted*, That the Treasurer be directed to take Bond of Such Officers as shall receive Orders to Inlist Men into his Majesty's Service for the Intended Expedition against Crown point for all Such Sums as he shall deliver them for that purpose, in y[e] same manner as he took Bonds in the last Expedition. [*Passed March 5.*

[1] See Mass. Archives, ccxlviii., 185.

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 4.

## CHAPTER 344.

VOTE FOR AUGMENTG YE FORCES FOR PROPOSED CROWN POINT EXPEDITION.

*Voted*, Notwithstanding this Court are fully sensible That the Number of three thousand Men, exclusive of Officers Already Ordered by this Govt to be employed on the Intended Expedition against Crown Point is the full proportion of this Govt Considering the Numbers of this and the other Governmts who it is depended on will join in Said Expedition, And much more than their proportion Considering the very extended frontier of the Massachusetts Governmt which sd Govt are Obliged to defend at this Time, without any Aid from any other Governmts who are covered and defended by this Province, Yet Considering of how great Importance it is to his Majests Govts that the Proposed Expedition be Carried into Execution and being heartily desirous to Encourage the Same, this Court do Agree That the Number already Ordered, by this Govt to be raised for said Expedition be Augmented to the Number of Thirty five hundred Men inclusive of Officers: Provided Alwaies that the Govts of Rhode Island and New-Hampshire (who have not yet Certified this Govt that they will join in the proposed Expedition) shall agree to join the Forces of this & the Govts of Connecticut & New York wth the Number of One thousand each, and the same be made known and Certified from Said Rhode Island & New-Hampshire to this Govt And that no beating Orders be given nor Moneys taken out of the Treasury of this Province for raising the abovesaid Augmentation or any part of it till the said Govts of Rhode Island & New-Hampshire respectively shall have agreed to raise & send on said Expedition the Number of One thousand each And the same be properly certified to this Governmt The Sd Augmentation to be of private men, and when raised to be proportioned to the several Regiments & Companies already agreed to be raised. [*Passed March 5.*

Legislative Records of the Council, xxi., 118. Mass. Archives, lxxv., 229.

House Journal, pp. 385, 389. Province Laws, iii., 962, note. *Ante*, p. 440, chap. 274.

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## CHAPTER 345.

ORDER IMPOWERING REBECCA GOODWIN, EXECUTRIX, AND OTHERS TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Rebecca Goodwin, Widow & sole Executrix of the last Will & Testament of Nathaniel Goodwin late of Middleton decd with others his Heirs, shewing that there is a Necesity of selling part of the Real Estate for Payment of the Debts, and the most convenient part of the Real Estate to be sold is half a House and Land in Boston, praying that said Rebecca may be impowered in behalf of the Minor Children to join with the other Heirs in making Sale of the Deceaseds part of said House & Land.

Read, and

*Order'd* that the Prayer of this Petition be granted, and that the said Rebecca (Executrix of the last Testament of the said Nathaniel) on behalf of such of the Heirs of the said Nathaniel as are in their minority, and the said Abigail (administratrix of the Estate of the said Thomas,) on behalf of the Heirs of the said Thomas, that have

Legislative Records of the Council, xxi., 119. Mass. Archives, xix., 360.

Mass. Archives, xix., 357. House Journal, pp. 390, 391. Province Laws, ii., 151, chap. 10.

not arrived at Lawfull age, be & they hereby are authorized & impowered, (in Conjunction with the other Parties interested) to make Sale of the messuage & appurtenances, (situate in the Town of Boston) mentioned in the Petition, to as good advantage as may be, and to Execute a good & sufficient Deed or Deeds of Conveyance of the same; They observing the Rules of the Law respecting the Sale of Real Estates by Executors & administrators: Provided that the said Rebecca give sufficient Security to the Judge of Probate for the County of Suffolk that after the Payment of the just Debts of the said Nathaniel, out of the Proceeds of the Sale of his moiety of said Messuage, and that the overplus (if any be) shall be applyed as follows viz. the Interest of one third part thereof, to the Use of the said Rebecca during her natural Life, and the other two Thirds to be distributed among the Heirs of the said Nathaniel (and also, the Principal Sum of the other Third part, after the Decease of the said Rebecca,) in proportion as order'd by the said last Testament, or otherwise, according to Law. Provided also that the said abigail give sufficient Security to the Judge aforesaid, that the Proceeds of the Sale of the said Thomas's part of the said messuage be applyed as follows viz. the Interest of one third part thereof to be for the Use of the Widow of the said Thomas, during her Life, and that the other two third Parts be distributed among the Heirs at Law of the said Thomas, and the Principal Sum of the remaining third part, be alike distributed after the said widows Decease. [*Passed March 5.*

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## CHAPTER 346.

ORDER IMPOWERING THE JUDGE OF PROBATE TO APPOINT COMMISSIONERS TO EXAMINE THE CLAIM OF JAMES STUTSON AS A CREDITOR OF AN ESTATE.

Legislative Records of the Council, xxi., 63. Mass. Archives, xix., 356.

A PETITION of James Stutson of Hingham shewing that as Creditor to the Estate of Benjamin Rankin dec$^{d}$ (represented Insolvent) he laid his Claim before the Commissioners appointed by the Judge of Probate for the County of Suffolk to examine the Claims, & produced sufficient Vouchers to support his Demand, that the said Commissioners cut off a great Part of the Pet$^{rs}$ Account, which the Judge apprehending unjust, would not accept & confirm their Return, Therefore Praying that the said Judge may be impowered to appoint other Commissioners, so far as relates to the Demands of the Pet$^{r}$.

Mass. Archives, xix., 353. Legislative Records of the Council, xxi., 123. House Journal, pp. 291, 394.

Read &

*Ordered* that the Prayer of this Pet$^{n}$ be so far granted as that the Judge of Probate for the County of Suffolk be & hereby is impowered to appoint Commissioners to examine the Claim of the Pet$^{r}$ to the Estate referred to, And their Report being allowed by the said Judge the Pet$^{r}$ shall be considered as a Creditor or not according to such Report, Any thing in the Report of the former Commiss$^{rs}$ to the Contrary notwithstanding. [*Passed March 5.*[1]

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 8.

## CHAPTER 347.

ORDER ALLOWING £3. 11. 3 TO AARON RICE.

A Petition of *Aaron Rice* of a Place called *Charlemount*, in the County of *Hampshire*, shewing, that at the Beginning of the present Indian War, he was obliged to hire a few Men to defend himself against the Enemy till Soldiers were sent by the Government for his Protection; and praying that an Allowance may be made him for their Wages and Billetting.

House Journal, p. 381. Mass. Archives, lxxv., 222.

Read and

*Ordered*, That the prayer of this Petition be so far granted as That there be allowed and paid out of the public Treasury to Elijah Williams Esq[r] for the Pet[r] Aaron Rice the sum of three pounds eleven Shillings & three pence in full of the Charges mentioned. [*Passed* * *March 6.*

Executive Records of the Council, xiii., 56. House Journal, pp. 381, 392.

## CHAPTER 348.

VOTE ALLOWING 3/ EACH FOR USE OF GUNS IMPRESSED AND ORDERING REPAYMENT OF $1.50 EACH FOR GUNS NOT RETURNED.

Whereas Some persons have received Money of the Province Treasurer to pay such Soldiers as were employed in the late Expedition designed against Crown-Point who should find their own Fire Arms, but notwithstanding the Encouragement of two Dollars given for that purpose, Some Soldiers did neglect to furnish themselves accordingly by means whereof the chief Military Officers were Obliged to impress Arms for them; Therefore

Legislative Records of the Council, xxi., 120. Mass. Archives, lxxv., 230.

*Voted*, That such person as had his Gun impressed and sent into the said Service and safely returned, shall be paid three Shillings for the use of said Gun: And such persons as have taken Money out of the Province Treasury for the Use aforesaid are hereby directed to return the remaining Dollar & an half which he took out for each Man. [*Passed March 6.*

House Journal, pp. 163, 395. *Ante*, p. 385, chap. 144.

## CHAPTER 349.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Ordered* that there be allowed & paid out of the public Treasury to Amos Read the Sum of Five Pounds nine shillings and two pence; To Samuel Moodey Four Pounds eleven shillings & five pence, and one farthing; To Nathaniel Appleton Nine Pounds fifteen shillings and nine pence, To Nathaniel Lakeman Six Pounds ten shillings, To Jonathan Read Thirty two Shillings, To Stephen Hosmer, Four Pounds thirteen shillings and one peny, and to William Richardson Three Pounds fourteen shillings & eleven pence, To Benjamin Eaton Four Pounds two shillings; To Nathaniel Piper Four Pounds ten shillings; To Joseph Lock jun[r] Five Pounds eight Shillings; To Joseph Lock three Pounds five Shillings & eight pence; To Elisha Cutler Three Pounds three shillings & four pence; To Jonas Munroe, Four

Legislative Records of the Council, xxi., 120.

Mass. Archives, lxxv., 63, 142, 156, 158, 166, 167, 183, 192, 193, 194, 203, 212, 231. Executive Records of the Council, xiii., 56. House Journal, pp. 369, 374, 377, 383, 384, 388, 391.

Pounds eighteen shillings & two pence; To Henry Harrington Seven Pounds four Shillings & eight pence; & to Joshua Walker Administr of the Estate of Capt John Read decd Nine Pounds four Shillings (inclusive of Fifteen Days Wages more allowed the said John in the Muster Roll), being in full Consideration of the Expences mentioned in their several Petitions. [*Passed* March 6.*

## CHAPTER 350.

VOTE ALLOWING THE ACCOUNTS OF DIVERS INN KEEPERS FOR ENTERTAINING FRENCH PRISONERS.

Legislative Records of the Council, xxi., 120. Mass. Archives, xxiii., 40.

Legislative Records of the Council, xxi., 3. House Journal, p. 394.

*Voted* That the several Taverners & others who entertained the french Prisoners lately bro't hither, in their way from Albany to Boston be Committed to the Committee Appointed to consider their other Accots for the Soldiers on their return from the Army to examine the same, And that the sd Accounts allowed by them be paid out of ye public Treasury. [*Passed March 6.*

## CHAPTER 351.

ORDER IMPOWERING ABIAH BANGS, EXECUTRIX, TO SELL REAL ESTATE.

Legislative Records of the Council, xxi., 121. Mass. Archives, xix., 333.

Mass. Archives, xix., 332. House Journal, pp. 269, 395, 396. Province Laws, ii., 151, chap. 10.

A PETITION of Abiah Bangs Widow and only survivg Executr of Jonathan Bangs late of Newburn in North Carolina decd shewing that the said Jonathan left several Debts on his Estate due to Persons in this Government, that some part of his Real Estate must be sold to discharge said Debt, and forasmuch as it will be more convenient to sell his Real Estate in this Province, than that in North Carolina, praying that she may be impowered to sell the same accordingly.

Read and

*Ordered*, That the prayer of this Petition be So far granted as that the Petitioner in her said Capacity be & hereby is impowered (by her self or her Attorney) to Make Sale of the reall Estate therein Mentioned for the most it will fetch She first giving public Notice of Said Sale agreeable to the Act of the Province relating to the Sale of reall Estates, and to execute a good Deed or Deeds of Sale thereof, and That she or her Attorney give sufficient Bond to Account with the Judge of probate for the County of Barnstable for the proceeds thereof. [*Passed March 6.*

## CHAPTER 352.

ORDER ALLOWING 50/ TO MOSES KENARD.

Legislative Records of the Council, xxi., 121. Mass. Archives, lxxv., 82.

A PETITION of Moses Kenard a Soldier in the late Expedition to Crown Point shewing that he with others was appointed by his Officer to guard some Drovers that brought Stores to the Camp, that he committed the Care of his own Pack to some Waggoners

that were coming to the Camp, but could never after recover it again they pretending that it was stolen out of their [Wagon]; [1] Praying that this Court would allow him for what he lost in Cloathing &c[a]

Mass. Archives, lxxv., 80. House Journal, pp. 384, 396.

Read and

*Ordered*, That there be allowed and paid out of the public Treasury to the Petitioner the Sum of fifty Shillings in full Consideration of the Articles Mentioned. [*Passed March 6.*

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## CHAPTER 353.

ORDER ACCEPTING THE REPORT OF COMMITTEE FOR PREPARING INSTRUCTIONS TO THE COM[TEE] OF WAR TO RESIDE IN ALBANY.

Legislative Records of the Council, xxi., 121. Mass. Archives, lxxv., 236.

Instructions for the Committee of the General Court going to Albany.

Mass. Archives, cclxxxiii., 71, 72 *bis*. House Journal, p. 396. *Ante*, p. 443, chap. 282; p. 451, chap. 307.

You are to provide Yourselves with an Authenticated Copy of the Vote of the General Court, appointing you a Committee in behalf of this Province to reside at or near Albany and there to transact affairs relating to the Expedition to Crown Point, and you are as soon as possible to set out on your Journey, and upon your Arrival at Albany you are immediately to engage in proper Measures for the transportation of provisions and Stores to the Forts at the Carrying place and Lake George. It appears to us the cheapest and quickest way of transportation is by Batteaux from Albany to the Half moon and thence by Land Carriage to Still Water landing, which is about twelve miles and from thence by water again to Saraghtogoe, and thence again by Land Seven miles to the upper Falls and thence by water to Fort Edward. You will therefore make immediate provision of both Land and Water Carriages for this method of transportation; We think that large sized Batteaux or if they are not to be had, the common sized may serve for the first water from Albany; but for the second Water above the half moon we imagine a larger sort of Boats if to be obtain'd may answer better; for the next Water the Batteaux at Fort Edward may be made use of; but you will determine what sort of Boats will cause the greatest dispatch, and those you will make use of, and buy, build or hire them as you find it best. At the same time that you are providing Batteaux you are likewise to be providing Waggons or Carts for land Carriages to receive the provisions at one end of the Carrying place and transport them to the other; and for this purpose we desire if it be practicable that you would buy or improve such Teams as belong to the Inhabitants of this Province. You will have it in your power to satisfy yourselves at Sheffield and Stockbridge what number of Carts can be hired or bought and what Fodder or provinder can be procured for we apprehend it will be necessary that fodder &c[a] should be carried from thence or other parts to support the Cattle while they are at work as there will not be sufficient at or near Albany.

Having laid your Plan well, and proportioned your Carts or Waggons to your Boats, we think it proper that one of You should be at or near each Carrying place to expedite the Business and to make any Alterations either in the number of Boats or Carts as shall be found necessary.

[1] Inserted from Mass. Archives, lxxv., 80.

You will procure Men for the Batteaux on as reasonable Terms as you can, and you may either agree with Persons who are not of the Army to continue in the Service while they are wanted or you may employ part of the Forces after they arrive at Albany as you think best, and you may make some addition to the pay of such Forces for their encouragement, while they are in that Service; and you are also to employ as many men as shall be sent you by this Government as Guards at the River and other places as you shall judge necessary and convenient. You must likewise provide Carts or Waggons from Fort Edward at the Carrying place to Fort William Henry at the Lake, but this part of the transportation must not be made without a sufficient Guard to secure the Stores from any attack, nor without Scouts being constantly abroad to prevent a Surprize, but you must take all possible care that there be no delay in this branch of the transportation.

We leave it to your discretion either to hire all or any part of the waggons or Carts with Cattle or Horses or otherwise to purchase them in whole or in part and at such places as you think best, and you will always keep men at each Station for the Service of the Carts or Waggons, and you may appoint a Master or Commander to each Company with additional wages or you may contract with any Person or Persons by the great or agreeing for the payment of any certain Sum for their whole Service.

As there are a number of Carpenters very probably among the Soldiers in Garrison at the Fort you must endeavour to engage them by the promise of additional Wages to finish the Flat bottomed Boats that were begun and to be at work on such others as shall be concluded on so as to have sufficient for the transportation of Cannon and heavy Stores, that there be no delay after the Forces of the Several Colonies shall join at the Lake, and least there should not be a sufficiency of Carpenters there care shall be taken that a further number be inlisted and dispatched from hence as soon as possible.

You will likewise make enquiry into the State of the Batteaux belonging to the Province and if the number be insufficient you will secure materials and employ workmen to compleat it; or to supply the place of Batteaux by other Boats, and this is what must be effected at all events, for it seems impracticable to transport the provisions and Stores and Boats also from Albany in Season; Boats therefore must be built at the Lake as the Timber there will admit of, the other materials as Iron Work, Oacum &c$^{a}$ must be seasonably sent up.

You will give such directions to M$^{r}$ Emmerson relating to the Stores and other matters under his Care at Albany as you shall find necessary and he is required to conform to your Orders

You must always have this in your mind, that the great end of your appointment is the expediting the provisions and Stores so that a sufficiency may be lodged at Fort William Henry to be ready for the army upon its arrival and you are to Spare no Labor nor Cost to effect it.

You are to correspond with the Committee of war at Boston and to govern yourselves by such advices as you shall from time to time receive from them, always communicating every matter of moment to His Excellency the Governour when it shall be in Your power.

Read and

*Ordered* that this Report be accepted. [*Passed March 6.*

## CHAPTER 354.

VOTE TO ERECT ANOTHER MAGAZINE FOR GUNPOWDER, AND ORDERS APPOINTING A COMMITTEE TO SELECT A SITE THEREFOR, AND DIRECTING THAT AN EXAMINATION BE MADE OF THE POWDER HOUSE AT CHARLESTOWN.

In the House of Repˢ

*Voted*, That there be erected another Magazine for the reception of Gun Powder belonging to the Province at the Public Charge: Also

*Ordered*, That Mr Trowbridge & Mr James Russell with such as the Honble Board shall join be a Committee to repair to such Town as they shall judge proper and pitch upon some suitable place for erecting a Magazine for that purpose, to prepare a Plan of the building and an estimate of the Cost thereof & to lay the Same Before this Court

In Council Read & concurred and Willm Brattle Esqr is joined in the affair and

*Ordered* that the Committee examine the condition of the powder house in Charlestown and make report thereof.

In the House of Represent:

Read & Concurred. [*Passed March 8.*

Legislative Records of the Council, xxi., 122. Mass. Archives, lxxv., 249.

House Journal, pp. 211, 212, 224, 225, 397, 399.

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## CHAPTER 355.

ORDER ALLOWING 41/3 TO EBENEZER SHELDEN.

A Petition of Ebenezer Shelden of Fall Town, shewing that he was put to the Charge of victualling twelve Men, who came to the Petrs and his Neighbours help, when in great Danger of being attacked by the Indian Enemy, Praying that he may be reimbursed out of the public Treasury.

Read And

*Ordered*, That there be Allowed & paid out of ye public Treasury to the Petitioner the Sum of forty One Shillings & three pence in full of his Expences Mentioned. [*Passed March 8.*

Legislative Records of the Council, xxi., 123. Mass. Archives, lxxv., 191.

House Journal, pp. 376, 393, 397, 398.

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## CHAPTER 356.

VOTE DIRECTING THE PROVINCE TREASURER IN REGARD TO THE WAGES OF SURGEONS IN LATE CROWN POINT EXPEDITION.

*Voted*, That the Treasurer be directed not to pay off the several Surgeons their Wages that were employed in the late Crown point Expedition, untill they have rendered to the Comtee of War an Accot of the Doctor's Boxes & Surgeon's Instruments which were put into their hands for the use of the Army employed in the late Crown point Expedition. [*Passed March 9.*

Legislative Records of the Council, xxi., 124. Mass. Archives, lxxv., 255.

House Journal, p. 401. *Ante*, p. 443, chap. 282; p. 460, chap. 335.

## CHAPTER 357.

VOTE APPOINTG A SUBSTITUTE COMTEE OF WAR TO RESIDE AT OR NEAR ALBANY.

Legislative Records of the Council, xxi., 124. Mass. Archives, lxxv., 262.

House Journal, pp. 398, 399. Province Laws, iii., 961, note. *Ante*, p. 451, chap. 307.

In Council

whereas two of the Genlemen lately chosen to reside at or near albany for the more effectual carrying on the intended expedition against Crown Point have declined that service & John Choate Esqr the other Gentleman then chosen hath signifyed that He cannot attend thereon before the beginning of April next which is apprehended will be too late Therefore

*Voted* that John Whitcomb Esqr & Mr John Foye with such as the Honourable House shall join be a commitee to reside at albany or parts adjacent, & repair thither as soon as may be to take care of the transportation of the Provisions, & other stores for the use of the Forces of this Province proposed to be raised, for the sd intended expedition . The sd Committee to conform themselves to such Instructions as they shall receive from this Court

In the House of Reps

Read and Concurred; and John Leach, Oliver Partridge And John Ashly Esqrs are joined in the Affair. [*Passed March 9.*

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## CHAPTER 358.

VOTE TO EMPLOY COURIERS BETWEEN BOSTON, ALBANY & THE CAMP.

Legislative Records of the Council, xxi., 125. Mass. Archives, lxxv., 259.

House Journal, pp. 400, 401. *Ante*, p. 443, chap. 282.

*Voted*, That the Committee of War be directed to agree wth One or More suitable persons On the best Terms they Can, to be employed as Curriers between Boston & Albany or the Camp When & for so long a time as they shall think proper, in order to their receiving more speedy & Constant Intelligence of Affairs relating to the intended Expedition against Crown-point. [*Passed March 9.*

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## CHAPTER 359.

VOTE IN REGARD TO ACCOUNTS OF COMMISSARY THOMAS.

Legislative Records of the Council, xxi., 125. Mass. Archives, lxxv., 258.

House Journal, p. 401.

*Voted* That the Commissary General be directed in settling Accounts with Commissary Thomas who was employed in the late Crown point Expedition, to make him the Usual Allowance on Rum, Mollosses, Ginger Bread & Butter. [*Passed March 9.*

## CHAPTER 360.

ORDER CANCELLING THE BALANCE DUE ON LOAN TO ISAAC PARKER.

A Petition of John & Daniel Parker for themselves & other the Heirs of Isaac Parker of Charlestown Dec[d] shewing that that[1] the said Isaac divers Years since had the favour of the Loan of £500 old Tenor[2] from the Government to encourage his carrying on the Manufacture of Stone Ware, that Two hundred of the £500 has been returned into the public Treasury; But for as much as by Means of the Death of the said Isaac & other Misfortunes not only the whole of the said Loan but a great part of the said Isaac's Estate has been swallowed up, therefore praying his remaining Debt to the Prov[ce] may be remitted.

Legislative Records of the Council, xxi., 125. Mass. Archives, lix., 417.

Mass. Archives, lix., 415. House Journal, pp. 269, 270, 399. Province Laws, iii., 69, note; xiii., 165, chap. 90; xiv., 331, chap. 167.

Read, And Whereas The making of Stone ware might have been of great Advantage to the Public had the Pet[rs] Father lived And succeeded in that business as well as to himself & his Heirs, but notwithstanding the great Cost & charge they have been at in their Attempts all their Schemes have in a great measure failed & proved unsuccessful by means whereof the Pet[rs] said Fathers Estate has been greatly injured; Therefore

*Ordered* That the prayer of this Petition be granted, & the Sum mentioned of three hundred Pounds Old Ten[r] said to be due to the Province be and hereby is remitted, and no Demand hereafter shall be made of the said Sum or any part thereof. [*Passed March 9.*

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## CHAPTER 361.

ORDER ALLOWING 30/ TO JON[A] MORTON.

A Memorial of Jonathan Morton, shewing that his Servant Benjamin Emmons a Soldier in the Expedition against Crown Point, shewing that he was taken sick in his Return home, where he continued sick until the 22[d] of November following, and was subsisted by the Pet[r] praying he may be allowed Wages & Subsistence till that time.

Legislative Records of the Council, xxi., 116. Mass. Archives, lxxv., 116.

Mass. Archives, lxxv., 116. House Journal, pp. 382, 383, 406, 408.

Read And

*Ordered*, That there be allowed and paid out of the Public Treasury to the Petitioner the Sum of thirty Shillings for Subsistence of his s[d] Serv[t] for the Time mentioned. [*Passed March 10.*[3]

[1] *Sic.*

[2] The original loan to Isaac Parker was £125, new emission. — Province Laws, xiii., 165, chap. 90; see also note, Province Laws, xiv., 331, chap. 167.

[3] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is March 3.

## CHAPTER 362.

ORDER ALLOWING 36/ 1 TO ALEX^A^ M^C^FARLAND.

Legislative Records of the Council, xxi., 123. Mass. Archives, lxxv., 248.

A PETITION of Alexander M^c^Farland a Soldier in the late Expedition against Crown Point, shewing that being come home upon Furlow upon the Lieu^t^ Governours Proclamation he returned to the Army; but by the Mistake of his Captain he was carried out in the Muster Roll no longer than the Time of his coming away upon Furlow, praying that the Remainder of his Wages may be allowed him.

Mass. Archives, lxxv., 247. House Journal, pp. 399, 404. Commissions, Proclamations, etc., 1734–1757, p. 288.

[Read and]

*Ordered*, That there be allowed and paid out of the Public Treasury the Sum of thirty Six Shillings and one peny, to the Petitioner, in Consideration of the forty five days Wages he was made up short in the Muster Roll. [*Passed March 10.*[1]

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## CHAPTER 363.

ORDER ALLOWING £5. 3. 4 TO JOHN CLAP.

Mass. Archives, lxxv., 172.

HUMBLY SHEWETH John Clap of Sudbury in the County of Middlesex.

Executive Records of the Council, xiii., 59. House Journal, p. 377.

That your Petitioners son, Silas Clap, inlisted into, the expedition against Crown point under Cap^t^ Sam^ll^ Dakin and being Sick & unfit for Duty Returned Home the 15^th^ Day of November and continued Sick untill the 11^th^ of Decem^r^ and then Died your Petitioner therefore Humbly prays your Excellency and Hon^rs^ to grant him so much money as Shall be Sufficient to defrey the Charges of his Said Sons Sickness & funeral according to the accounts herewith accompanying or otherwise relive your petitioner as your Excellency & Hon^rs^ in your great wisdom See meet and your Petitioner as in Duty bound shall ever pray

Feb^y^ 28^th^ 1756 JOHN CLAP

Read and

*Ordered*, That there be allowed and paid out of the Public Treasury to the Pet^r^ John Clap the Sum of five Pounds three shillings and four pence in full for his Expences mentioned. [*Passed March 10.*

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## CHAPTER 364.

Legislative Records of the Council, xxi., 126. Mass. Archives, lxxv., 286.

VOTE ESTABLISHING GARRISONS WITH SUBSISTENCE ON THE EASTERN AND WESTERN FRONTIERS AND OFFERING BOUNTY FOR PRISONERS AND SCALPS.

House Journal, pp. 401, 402, 403. *Ante*, p. 395, chap. 173; p. 432, chap. 255; p. 441, chap. 277.

*Voted*, That for the Defence of the Eastern & Western Frontiers there be the following Establishment made, Viz^t^

In the Eastern Frontier

That Fort Halifax and the Storehouse at Cushnoc be garrisoned with eighty Men and no more, including a Captain, one Lieut^t^ three Sergeants, four Corporals, one Drum̃er, one Armourer & a Chaplain.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is March 8.

Fort Brunswick with five men & no more including one Sergeant,

The Truck-house at S$^{t}$ Georges with Thirty five Men and no more including a Cap$^{t}$ one Lieut$^{t}$ one Sergeant, Two Corporals, one Drum̃er and One Armourer

The Truck house at Saco with fifteen men and no more including One Lieut$^{t}$ one Sergeant and One Corporal.

Fort Frederick at Pemaquid with Twenty men and no more Including one Lieut$^{t}$ one Sergeant and one Corporal.

And for a further Defence of the Eastern Frontiers a marching Army be raised by Inlistment Consisting of three hundred men exclusive of Commission Officers, That they be Constantly employed in Scouting, and that their Destination be as follows, Viz$^{t}$ That fifty Men be employed in scouting from Lebanon to Saco River, Sixty men from Saco River to New Boston by the way of Pearson & Hobbs's Town & New Glocester, Ninety Men from New Boston to Kennebeck River & one hundred men from Franckfort to the Truck house at S$^{t}$ Georges River.

That a Bounty of Two Dollars be given to each Sold$^{r}$ that may inlist into the Scouting Service aforesaid, and shall find his own Gun.

That there be but two Commission Officers, viz$^{t}$ a Cap$^{t}$ and Lieutenant to a Company of not less than forty five men And for a Security to the Western Frontiers

That there be Forty Men at Hoosuck & no more, Thirty whereof to be posted at Fort Massachusetts, and Ten at the west Township, the Said Ten at y$^{e}$ West Township to be Inhabitants of s$^{d}$ Township if there shall be so many Inhabitants effective for the Service, Alwaies including the men that shall have been Concerned in building the Block-house agreeable to the Vote of this Court of the 28$^{th}$ of Jan$^{y}$ last, the said Forty Men including one Cap$^{t}$ one Lieu$^{t}$ One Sergeant two Corporals, one Drum̃er, And a Chaplain.

At Fall-Town two Garrisons Sixteen men & no More, including One Sergeant at each Garrison.

At Colerain four Garrisons Thirty men and no more, including one Lieuten$^{t}$ & two Sergeants.

At Cherlemont Two Garrison's viz$^{t}$ Taylor's & Hawke's, twenty four men & no more including one Sergeant at each Garrison, besides the Encouragement already given Samuel Rice

The Men now posted at the aforesaid places to be accounted part of the said Forces, & the whole to be employed in scouting as formerly

At Northfield and Greenfield twenty men & no more, including One Sergent at each place.

At Pontoosuck Sixteen Men and no more, viz$^{t}$ Eight at Williams's Garrison & eight at Goodrich's Garrison, including those already posted there, the said Sixteen Men being inclusive of one Sergeant at each Garrison.

At Stockbridge Sixteen Men & no more, including one Sergeant & one Corporal. The aforesaid men on the Western Frontiers to be under the Command of a Captain. & That there be an armourer in y$^{e}$ Western frontiers

Also that there be allowed Thirty Men to be employed in Scouting between Connecticut & Merrimack Rivers, inclusive of one Lieut$^{t}$ one Sergeant & one Corporal.

And That there be a Bounty of Two Dollars given to each Sold$^{r}$ that shall inlist into said Service in the Western Frontiers, and find his own Gun, except those now in the Service.

That the Establishment be for a Term not exceeding seven Months from the last day of March Instant, Provided nevertheless that the

pay and subsistence of the Soldiers that may be enlisted as aforesaid Commence on the day of their enlistment, and that an Establishm[t] be made for the whole accordingly.

And That the Subsistence for the Soldiers in the Western Frontiers be as follows, Viz[t]

| | |
|---|---|
| at Pontoosuck . . . . . | 6/ ℔ week |
| at Hoosuck . . . . . | 6/ 8 ℔ week |
| at Cherlemont, Colerain & Fall-Town . . . . . | 5/ 4 ℔ week. |
| And at the other places, . . . . . | 4/ ℔ week. |

And that application be made to the Governm[t] of Conn[ecticut] [1] to Supply us with the Thirty two men, if they shall think prop[er for] [1] Stockbridge & pontoosuck.

That the following Bounty be granted and allowed to the Soldiers employed in the Service of this Province in the Eastern & Western Frontiers, to be paid out of the public Treasury over and above the encouragement aforesaid. Viz[t]

For every Indian Prisoner above the age of twelve years that shall be taken & brought to Boston fifty Pounds

For every Scalp of an Indian above twelve years Old, bro't in as evidence of their being killed forty Pounds.

For every Indian Prisoner under twelve years old taken and brought in as aforesaid Twenty five pounds.

For every Scalp of an Indian under twelve years Old, brought in as evidence of their being killed as afores[d] twenty Pounds. And this shall be the only encouragement for the Soldiers, any Vote or Votes of this Court to the Contrary notwithstanding. [*Passed March 10.*

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## CHAPTER 365.

VOTE APPOINTING PERSONS TO EXPLORE THE COUNTRY FROM N[o] 4 TO CROWN POINT & OTTER CREEK.

Legislative Records of the Council, xxi., 127.

House Journal, pp. 412, 413.

WHEREAS it is of great Importance that a thorough Knowledge be had of the Distance & Practicability of a Communication between Number Four on Connecticut River and Crown Point, and that the Course of Otter Creek down to Lake Champlain should be known: Therefore

*Voted* that His Excellency the Governour be & he hereby is desired as soon as may be to appoint Fourteen Men upon this Service, Seven of them to go from said Number Four the directest Course to Crown Point, to measure the Distance and gain what Knowledge they can of the Country, and the other seven to go from said Number Four to Otter Creek aforesaid, and down said Creek to Lake Champlain, observing the true Course of said Creek, its Depth of Water, What Falls there are in it, and all material Circumstances relating thereto; And also the Nature of the Soil on each Side thereof; and what Growth of Wood are near it, each Party of said Men to keep a Journal of their Proceedings & Observations & lay the same on their Return before this Court; They to observe all such Directions & Instructions as they may receive from his Excellency; One Man in each Party to be a skilful Surveyor, and the Persons employed shall have a reason[ble] Allowance made them by this Court for their Service. [*Passed March 10.*

[1] Inserted from Legislative Records of the Council, xxi., 126.

## CHAPTER 366.

VOTE IMPOWERING ISRAEL WILLIAMS TO APPLY TO THE GOVERNOR OF CONNECTICUT FOR THIRTY TWO MEN TO BE POSTED AT STOCKBRIDGE AND PONTOOSUCK.

*Voted*, That Israel Williams Esq[r] be and hereby is impowered & directed to apply to the Governn[t] of Connecticut for a Supply of thirty two Men to be posted at Stockbridge & Pontoosuck for the Defence of those Towns, and also for their pay & Subsistence. [*Passed March 10.*

Mass. Archives, vi., 218.

House Journal, p. 412. *Ante*, p. 472, chap. 364.

## CHAPTER 367.

VOTE ESTABLISHING WAGES FOR MARCHING FORCES GARRISON OFFICERS AND SOLDIERS.

*Voted* That the following Establishment of Wages be made for the Officers & Soldiers on the Eastern Western & Northern Frontiers for a Term not exceeding seven months. from the last Day of March Instant. Viz[t]

Legislative Records of the Council, xxi., 127. Mass. Archives, lxxv., 283.

House Journal, p. 403. *Ante*, p. 472, chap. 364.

| | | | | |
|---|---|---|---|---|
| For a Cap[t] of the marching Forces | £4. | 16. | 0. | ℔ month. |
| For one Lieutenant | 3. | 4. | 0 | Ditto. |
| For three Sergeants each | 1. | 14. | 1. | Ditto. |
| For two Coporals each | 1. | 9. | 10. | Ditto. |
| For a Centinel | 1. | 6. | 8. | Ditto. |

And for the Garrison Officers & Soldiers Viz[t]

| | | | | |
|---|---|---|---|---|
| For a Captain | £4. | 0. | 0 | ℔ month |
| For one Lieutenant | 3. | 0. | 0. | Ditto. |
| For a Sergeant | 1. | 10. | 0. | Ditto |
| For a Corporal | 1. | 8. | 0. | Ditto |
| For a Drumer | 1. | 8. | 0. | Ditto |
| For a Centinel | 1. | 4. | 0 | D[o] |
| For an Amourer | 3. | 0. | 0 | Ditto |
| For a Chaplain at Fort Halifax | 5. | 0. | 0. | D[o] |

[*Passed March 10.*

## CHAPTER 368.

VOTE REFERRING TO BATTEAUX, LIGHTERS, GUARDS, &c[a], FOR THE STORES FOR THE CROWN POINT EXPED[n].

Whereas a number of Batteaux and flat bottomed Boats will be necessary to be provided upon Hudson's River for the Transportation of Provisions & Stores for the Service of the Forces of this Government engaged in the Crown Point Expedition; to be made use of between Albany, and the Half Moon; and between the lower and upper Falls called StillWater

Legislative Records of the Council, xxi., 128. Mass. Archives, lxxv., 270.

Mass. Archives, cclxxxiii., 75. Legislative Records of the Council, xxi., 115. House Journal, pp. 409, 410, 411, 412. *Ante*, p. 443, chap. 282; p. 451,

*Voted* that thirty Battoes be provided with all possible dispatch at Albany, or Such a number as may be judged necessary by the Committee of this Court appointed to reside at or near said place; to be employed in the Service aforesaid between Albany and the Half Moon; and four flat-bottom'd Boats or as many as S[d] Committee shall think proper be built as soon as may be at the lower

chap. 307; p. 467, chap. 353.

end of Still Water aforesaid, to be there employed in the same Service; and that two Companies of fifty Carpenters each with proper Tools be immediately provided and sent to Albany and Still-Water for the purpose aforesaid; one Company to each place; who shall repair, after having finished said Battoes & Boats to Lake George.

And Whereas it is necessary that two small Vessels or Lighters should be built at Lake George for transporting the Cannon & warlike Stores across said Lake; and that the two large Boats at S$^{d}$ Lake should be finished, and the Battoes there, or which shall be there, should be re-caulk'd and put in good Repair

Further

*Voted* that another Company of fifty Carpenters w$^{th}$ proper Tools be immediately provided and sent to Lake George, to be employed in conjunction with the two Companies aforesaid in this Service: and for the Encouragement of Suitable Persons to engage in the Business above-mentioned, they Shall each of them be paid two shillings per day, while employed in Said Business & the Overseer of Each Company not exceeding 4/ ℔ day over and above Soldier's pay and Bounty: and after they have compleated it, they shall incorporate with, and be made a part of the Forces of this Government. And the Committee of War in Boston is hereby directed to engage with all Expedition the said three Companies of Carpenters accordingly; and to provide proper Tools and materials for them, that the Business aforesaid may be gone upon and finished with the utmost dispatch.

These Companies of Carpenters to be consider'd as part of the thirty five Hundred Men agreed to be raised by this Government on the Expedition aforesaid; and as part of the proportion of the Said Men which the respective Militia-Companies they may belong to, shall be order'd to furnish.

The Said Committee of War are also directed to procure six or eight whale Boats to be sent up to Lake George to serve as advice Boats, and to provide a number of Swivel Guns for the defence of these Boats and of the Lighters aforesaid: and also a further number of Swivel Guns and Blunderbusses for the use of the Forces of this Government as they shall judge proper: They are also directed to procure a suitable quantity of screw'd Hay and Provender for the use of the cattle and Horses that may be employed in drawing the provisions &c between Albany & Lake George: also Sails Rigging Anchors & Cables for the Lighters aforesaid; a suitable quantity of Rope for drawing Cannon (if need be) and a quantity Of Oacum Pitch and other materials necessary for said Lighters, and for caulking and repairing the Battoes at Lake George, Fort Edward and elsewhere belonging to this Government.

And WHEREAS it will be necessary that the waggons and Battoes employed in transporting Provisions &c from Albany to Lake George for the Use of the Forces of this Government should be properly escorted; and the Carpenters employed in building flat-bottom'd-Boats at Still Water should have a suitable Guard: and that a number of men be provided for the Battoes & Boats aforesaid

And whereas Six hundred and fifteen men including officers will be necessary for this Service

*Voted* that his Excellency the Governor be and he is hereby desired to cause to be inlisted *or impressed* (as soon as may be) Such a number of men, as (including Officers) may make up the

aforesaid number of Six hundred and fifteen, to repair to Albany with the utmost dispatch on the Service aforesaid; each of them to have a good and Sufficient Fire Arm and Accoutrements; and be subject to such orders and Regulations as they shall receive from the Committee appointed by this Court to reside at or near Albany for forwarding the Expedition against Crown Point; which Committee shall supply said men with necessary Provision and ammunition. The Said number of men to have the Same Encouragement as those who shall engage in the aforesaid Expedition; and shall be consider'd as Part of the Thirty five Hundred men agreed to be raised by this Government on said Expedition; and as part of the proportion of said men which the respective Regiments they may belong to, shall be order'd to furnish.

The Service and Stations of the said 615 Men, are left to the discretion of the said Committee last-mentioned to regulate and determine: but it is recommended to their consideration whether said men should not be employed in the manner following Viz

60 Men for 30 Battoes to be employed between Albany & the half-Moon
20 Men for 4 flat-bottom$^{d}$ Boats in Still-Water
60 Men for 30 Battoes between the upper Falls & Fort Edward: which number of Battoes may be had at Fort Edward.
140
25 Men as a Guard to be fixed at the Half Moon for the Security of the provisions &c which may be landed there out of the Battoes from Albany
50 Men as a Guard to be fixed or stationed at the lower End of Still Water for security of the Provisions &c discharged there out of the waggons, to be put on board the flat-bottom$^{d}$ Boats.
50 Men as a Guard to march on each side the River, the length of StillWater to Secure y$^{e}$ flatbottom$^{d}$ Boats & Carpenters at work there.
75 Men as a Guard to be stationed at the upper End of Still-Water, to Secure y$^{e}$ Provisions &c landed there out of the flat-bottom$^{d}$ Boats.
50 Men as a Guard to march from Still Water to the upper End of the upper Falls to Secure the Waggons.
75 Men as a Guard to be stationed at the upper End of the upper Falls to Secure y$^{e}$ provisions discharg$^{d}$ from y$^{e}$ Waggons, to be put on board the Battoes.
50 Men as a Guard to march from s$^{d}$ Falls up to Fort Edward on each Side the river, to secure the Battoes going up & returning.
515
100 Men as a Guard to march between Fort Edward & Lake George to secure the Waggons.
615

And after all the provisions &c are escorted up to Lake George, the said 615 Men shall incorporate with the Forces of this Government, excepting one hundred Men, whom the Committee aforesaid shall have under their direction intirely, to Serve as Guards to them, and any Curriers that may be appointed between Albany and Lake George, or any other Service that S$^{d}$ Committee may judge it proper to employ them in, for promoting the Expedition aforesaid; And That his Excellency be desired to acquaint the neighbouring Gov$^{ts}$ with these Resolutions of this Court. [*Passed March 10.*

## CHAPTER 369.

ORDER DIRECTING THE PROVINCE TREASURER IN REGARD TO THE WAGES DUE THE COMMISSARIES IN THE CROWN POINT EXPED$^{N}$.

Legislative Records of the Council, xxi., 130.

Mass. Archives, lxxv., 265. House Journal, p. 409.

*Ordered* that the Treasurer be directed not to pay the Wages due to the several Commissaries in the late Crown Point Expedition, before they shall have accounted with the Commissary General for the Provisions & Stores received from this Government, & also for the Presents which were made & were designed for the Use of the Army. [*Passed March 10.*

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## CHAPTER 370.

VOTE DESIRING THE CAP$^{T}$ GENERAL TO GIVE ORDERS AG$^{ST}$ SOLD$^{ES}$ ON THE FRONTIERS INLISTING INTO ANY OTHER SERVICE.

Legislative Records of the Council, xxi., 130. Mass. Archives, lxxv., 284.

House Journal, p. 409. *Ante*, p. 472, chap. 364.

*Voted* That his Excellency the Cap$^{t}$ General be desired to give Orders That such Soldiers as are now in the Service or shall hereafter inlist themselves into his Majesty's Service on the Frontiers of the Province agreeable to the Establishm$^{t}$ made for that purpose the 9$^{th}$ instant, be prevented from inlisting themselves into any other service whatsoever, during the Time for which said Establishm$^{t}$ was made. [*Passed March 10.*

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## CHAPTER 371.

RESOLVE IN REGARD TO RECEIV$^{G}$ THE WAGES OF DEC$^{D}$ SOLD$^{ES}$ WITHOUT LETTERS OF ADMINISTRATION.

Legislative Records of the Council, xxi., 131. Mass. Archives, lxxv., 277.

Mass. Archives, lxxv., 276. House Journal, p. 405.

WHEREAS many Private souldiers of this Province who went upon the Crown Point Expedition, were killed, or died in that service leaving no real estate & but little more of Personal Estate then their wages therefore

*Resolved* that in every such case the widow of s$^{d}$ deceased souldier or the next of Kin to s$^{d}$ intestate shall & hereby is impowred to receive such wages with out taking letters of administration on such deceased Persons estate & that the Treasurer be hereby directed to pay them accordingly They to be alike accountable & liable to the action of the Creditors & Heirs as if they had taken letters of administration. [*Passed March 10.*

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## CHAPTER 372.

VOTE REFERRING ALL UNFINISHED MATTERS.

Legislative Records of the Council, xxi., 131.

House Journal, p. 413.

*Voted* that all Matters now before this Court and not passed upon have the same day at the next Sitting of this Court. [*Passed March 10.*

## CHAPTER 373.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Ordered* that there be allowed & paid out of the public Treasury to Nathaniel Dwight the Sum of Four Pounds twelve Shillings and four pence, to Ezekiel Read, Five Pounds one shilling & four pence, To Jabez Carter Four Pounds nine Shillings & eight pence, To Ebenezer Goddard Administrator on the Estate of Jonathan Tredeway Dec$^{d}$ Six Pounds thirteen Shillings and one penny, To Nathan Goodenough Six Pounds fourteen Shillings; To Samuel Dogget Thirty eight Shillings & eight pence, To Joseph Evered Three Pounds two Shillings and eight pence, To Amos Hosmer Thirty nine Shillings, To Thomas Billing Twenty four Shillings and four pence, To Abner Whither Two Pounds nineteen Shillings & nine pence, To Ebenezer Chamberlain Six Pounds Seventeen Shillings and one penny, To John Brooks Four Pounds & eight pence, to John Killum Four Pounds eight Shillings & one penny, To Uriah Tucker Two Pounds seventeen Shillings & four pence, And to Ephraim Stow Five Pounds and 4 pence in full Consideration of the Expences mentioned in their several Petitions. [*Passed* March 10.*

Legislative Records of the Council, xxi., 131.

Mass. Archives, lxxv., 144, 165, 169, 170, 197, 198, 199, 210, 221, 235, 243, 246, 264, 279. Executive Records of the Council, xiii., 59. House Journal, pp. 394, 400, 405, 408.

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## CHAPTER 374.

ORDER ALLOWING £6. 1. 8 TO JOEL BRADFORD.

A PETITION of Joel Bradford shewing that he was by Col$^{o}$ Timothy Ruggles appointed Serjeant Major of his Regiment in the late Expedition against Crown Point, and as he has no Wages carried out to him in any Muster Roll for his Service, praying that he may be allowed a reasonable Consideration for his officiating in said Trust.

Read and

*Ordered*, That there be allowed and paid out of the public Treasury the Sum of Six pounds One Shilling & eight pence in full of his Wages as Sergeant from the 31$^{st}$ of May to the 8$^{th}$ of Sep$^{r}$ last. [*Passed March 10.*

Legislative Records of the Council, xxi., 132. Mass. Archives, lxxv., 242.

House Journal, pp. 406, 409.

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## CHAPTER 375.

ORDER ALLOWING CAPTAINS PAY TO JONATHAN HOAR.

A MEMORIAL of Jonathan Hoar shewing that he engaged as an Officer in the late Crown Point Expedition, that after the Engagement at Lake George he received a Commission from the General to be Lieutenant Colonel of Col$^{o}$ Pomroys Regiment, but to his Surprize found another Person made up in the Muster Roll for said Office; and the Memorialist no Wages stated for his Service, praying for Releif from this Court.

Read, &

*Ordered*, That the Pet$^{r}$ be allowed Captain's pay in the late Crown point Expedition & that he be made up in the Muster Rolls accordingly. [*Passed March 10.*

Legislative Records of the Council, xxi., 132. Mass. Archives, lxxv., 250.

Mass. Archives, lxxv., 250. House Journal, p. 407.

## CHAPTER 376.

ORDER SUBSTITUTING SAMUEL LIVERMORE FOR JOHN LEACH ON THE COMMITTEE OF WAR TO RESIDE AT ALBANY.

Legislative Records of the Council, xxi., 132. Mass. Archives, lxxv., 263.

House Journal, pp. 398, 399, 408. *Ante*, p. 470, chap. 357.

*Ordered*, That Sam[l] Livermore Esq[r] be of the Com[tee] appointed to reside at Albany or parts Adjacent in Order to take Care of the Transportation of Provisions & other Stores for the Use of the Forces of this Province On the proposed Expedition against Crown-Point, in the Room of John Leach Esq[r] who has excused himself from that Service. [*Passed March 10.*

## CHAPTER 377.

ORDER ALLOWING £4 TO W[M] WINCHESTER.

Legislative Records of the Council, xxi., 132. Mass. Archives, lxxv., 115.

House Journal, pp. 366, 377, 378.

A PETITION of William Winchester a Soldier in the late Expedition against Crown Point shewing that he suffered much by Sickness in the said Service, and was put to considerable Expence therein, Praying that this Court would grant him Releif, & for the Loss of his Gun,

Read and

*Ordered* That there be allowed and paid out of the Public Treasury to the Petitioner the Sum of four pounds in Consideration of his Expence mentioned & for his Gun stolen from him. [*Passed March 10.*

## CHAPTER 378.

ORDER ALLOWING £3. 16 TO SAMUEL THACHER.

House Journal, p. 392. Mass. Archives, lxxv., 227.

House Journal, p. 405.

A PETITION of *Samuel Thacher*, Clerk of a Company of Soldiers in the late *Crown-Point* Expedition, setting forth, that he is charged by Capt. *William Richards* of *Newport*, for his own Passage and that of three sick Soldiers from *New-York* to that Place, *£.6 6s. 9d.* besides what he expended for the said Passage at *New-York;* and praying an Allowance of said Charges, according to the Account exhibited.

[Read and]

*Ordered* that there be allowed & p[d] out of [the pu]['blic Treasury to the Petitioner Sam[ll] Thacher three pounds & Sixteen Shillings in full Discharge of the account Refferred to in his Petition.[1] [*Passed March 10.*

[1] Manuscript mutilated. Inserted from the House Journal, p. 405.

## CHAPTER 379.

ORDER ALLOWING £10 TO EDWARD CURTIS.

A Petition of *Edward Curtis* of *Stoughton*, in the County of *Suffolk*, setting forth, that having received a Captain's Commission in the late *Crown-Point* Expedition, he rode over the Counties of *Plymouth* and *Bristol* to get his Company together, and marched with them to *Albany*, where his Company was reduced, and incorporated into other Companies, whereupon he was obliged to return Home; for which he has received no Consideration; and praying that a reasonable Allowance may be made him for his Trouble and Expences therein mentioned.

House Journal, p. 400. Mass. Archives, lxxv., 261.

House Journal, p. 405.

Read &

*Ordered*, That there be allowed & paid out of the Public Treasury to the Petr the Sum of Ten pounds in Consideration of his Trouble & Expences Mentioned. [*Passed March 10.*[1]

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## CHAPTER 380.

ORDER IMPOWERING CHRISTO. BUBIER TO RECOGNIZE AS A RETAILER OF STRONG DRINK.

A Petition of Christopher Bubier of Marblehead, shewing that he was Licenced by the Court of General Sessions of the Peace for the County of Essex to retail strong Liquors in said Town for the present Year, but thrô forgetfulness neglected to recognize in the proper Season, praying that he may be now admitted to recognize:

Legislative Records of the Council, xxi., 135. Mass. Archives, cxx., 85.

House Journal, p. 416.

Read, and

*Ordered* That the Prayer of this Petition be so far granted, as that the Clerk of the Court of Genl Sessions of ye peace for the County of Essex be & he hereby is impowered to take recognizance of the Petr in manner as is by Law directed for paying his Excise & keeping good Order as a retailer of spirituous Liquors in said Town, the time for entering into recognizance for that purpose being lapsed notwithstanding. [*Passed March 30.*

Province Laws, iii., 885, chap. 21.

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## CHAPTER 381.

ORDER ALLOWING £4 TO DENNIS MORRIS.

A Petition of Dennis Morris shewing that he was inlisted into the Service against Crown Point and proceeded so far as Deerfield, and was there taken sick, and after a Months Sickness there, he returned home in a weak Condition, and was put to considerable Expence, and for as much as he is made up in no Muster Roll, praying for a proper Allowance from this Court.

Legislative Records of the Council, xxi., 136. Mass. Archives, lxxv., 383.

House Journal, p. 417 *bis*.

Read and

*Ordered*, That there be allowed & paid out of the public Treas-

[1] Adjourned to March 30. See House Journal, p. 413.

ury to Thomas Clap Esq$^{r}$ for the Use of the Petitioner the sum of four pounds in full Consideration of his Wages & Charges mentioned. [*Passed March 31.*

## CHAPTER 382.

ORDER IMPOWERING BETTY WINSLOW, ADM$^{X}$, TO SELL REAL ESTATE.

Legislative Records of the Council, xxi., 136. Mass. Archives, xix., 385.

A PETITION of Betty Winslow of Freetown in the County of Bristol, Administ$^{x}$ of the Estate of John Winslow dec$^{d}$ setting forth that the Personal Estate is not sufficient to pay the Debts, Praying that she may be enabled to sell so much of the Real Estate as will be necessary to pay the same.

Mass. Archives, xix., 386. House Journal, pp. 418, 419. Province Laws, ii., 151, chap. 10.

Read and

*Ordered*, That the prayer of this Petition be so far granted, as That the Pet$^{r}$ in her s$^{d}$ Capacity of Admin$^{x}$ be and hereby is impowered to make sale of so much of the real Estate mentioned as will enable her to pay the Just Debts of the s$^{d}$ deceased And the Allowance & Charges of the Admin$^{x}$ mentioned, And to make and Execute a good & Sufficient Deed or Deeds of Conveyance thereof in the Law, She Observing the Directions of the Law respecting the Sale of real Estates by Executors & Admin$^{rs}$ & giving Sufficient Caution to the Judge of probate for the County of Bristol to Account with him for the produce thereof. [*Passed April 1.*

## CHAPTER 383.

ORDER IMPOWERING SAM$^{L}$ GRANT TO EXPORT PROVISIONS TO NEWFOUNDLAND.

Legislative Records of the Council, xxi., 137. Mass. Archives, lxv., 196.

A PETITION of Samuel Grant of Boston Merch$^{t}$ shewing that he is fitting out a Vessel for Newfoundland, Praying that he may be allowed to export in her from hence, Thirty Barrels of Beef.

Mass. Archives, lxv., 195. House Journal, p. 421. Province Laws, iii., 866, chap. 7, 954, note. *Ante*, p. 270, chap. 261.

Read and

*Ordered* that the Prayer of this Petition be granted and that the Pet$^{r}$ have Liberty to Ship the Provisions within Mentioned aboard the Sloop Eagle John Doble master: and that the Commissioner of Impost be and hereby is impowered and directed to take Bond of One thousand Pounds Sterling of the Petitioner for landing the same at Newfoundland; and that the Chief Officer of said Vessell at his return make Oath that the said provisions were actually landed there, and on his taking the said Oath the said Bonds to be Cancelled. [*Passed April 1.*

## CHAPTER 384.

ORDER ALLOWING £2. 15 TO HANNAH COLBY.

*Ordered*, That there be allowed and paid out of y^e^ public Treasury to Hannah Colby Widow of Tim^o^ Colby late of Almesbury deceased, who returned home sick from the Army raised for the late Expedition against Crown Point & died soon after, the Sum of Two pounds fifteen Shillings in full Consideration of the Doctors Bill & other Charges arising by means of his s^d^ Sickness & Death. [*Passed April 1.*

Legislative Records of the Council, xxi., 137. Mass. Archives, lxxv., 424.

House Journal, p. 421.

## CHAPTER 385.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Ordered* that there be allowed & paid out of the public Treasury to M^r^ Francis Whipple for the Use of Solomon Fay the Sum of Four Pounds ten Shillings, For the Use of Phineas Hardy the Sum of Four Pounds eighteen Shillings, For the Use of Isaac Harrington the Sum of Six Pounds eighteen Shillings, and for the Use of Daniel Warner[1] the Sum of Four Pounds two Shillings & one penny: That there be allowed & paid to Jeremiah Richardson, the Sum of Three Pounds Sixteen Shillings & six pence, To Jonathan Buttrick the Sum of Thirty one Shillings & eight pence, and to Samuel Buttrick the Sum of Forty eight Shillings and four pence, To Joseph Everet the Sum of Four Pounds, to Isaac Sterns the Sum of Three Pounds & four pence, to Nathan Robins the Sum of Four Pounds seven Shill^gs^ and eight pence, and to Jacob Richardson the Sum of Forty Shillings in full Consideration of their Expences &c^a^ in their several Petitions mentioned. [*Passed April 1.*

Legislative Records of the Council, xxi., 137.

Mass. Archives, lxxv., 162, 163, 233, 240, 320, 329, 330, 359, 360, 361.

House Journal, p. 420.

## CHAPTER 386.

ORDER ALLOWING 40/ TO JAMES ENDICOT.

A Petition of James Endicot of Stoughton shewing that his Wife's Son Samuel Lyon a Soldier in the late Expedition, while he was upon Duty was drowned in Lake George, and his Gun, Cloaths & Pack all lost, praying for such an Allowance as may be proper to answer said Loss.

Read &

*Ordered* That there be allowed & paid out of the public Treasury to the Petitioner the Sum of forty Shillings in full Consideration of the Articles lost in y^e^ Pet^n^ Mentioned. [*Passed April 1.*

Legislative Records of the Council, xxi., 139. Mass. Archives, lxxv., 351.

House Journal, pp. 420, 421.

[1] Mass. Archives, lxxv., 320, reads, "Warren."

## CHAPTER 387.

ORDER IMPOWERING RUTH JEFFREY, ADM^X, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 139. Mass. Archives, xix., 373.

Mass. Archives, xix., 371. House Journal, p. 422. Province Laws, ii., 151, chap. 10.

A PETITION of Ruth Jeffry, Widow & Administ^x of the Estate of James Jeffry late of Salem in the County of Essex dec^d & Guardian of his Minor Children, and also of James Jeffry his eldest Son, setting forth that the said James at his Death left behind him a Writing purporting his last Will & Testament written and signed by his own Hand, Praying that the Judge of Probate for the said County may be impowered to hear and examine all Parties concerned, and (if he find sufficient Ground) to allow the said Writing as the Will of the Deceased, and that this Court would confirm his Judgment thereon, or if that may be thought inconvenient, that the Pet^r may be enabled to sell a Tract of Land in the Town of Wells belonging to the said Estate for the Payment of the Debts.

Read, and

*Order'd* that the Prayer of this Petition be so far granted as that the Petitioner Ruth Jeffry, be, and she is hereby impower'd (in her Capacity as administratrix of the Estate of the therein named Deceas'd) to make Sale of the Tract of unimprov'd Land in Wells in the County of York, in said Petition mentioned; for the most that may be; and to execute a good & sufficient Deed or Deeds of Conveyance of the same; She giving previous Publick notice of the intended Sale in time and manner as directed to in the Law of this Province relating to the Sale of Lands by Executors and administrators; and giving due Caution to the Judge of Probate for the County of Essex that the Proceeds of such Sale be applyed (so far as shall be necessary) to the Payment of the said Deceased's just Debts, and that the overplus (if any be) be disposed of & distributed among the Parties interested, in manner as the Law directs. [*Passed April 1.*

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## CHAPTER 388.

ORDER GRANTING TO SPENCER BENNET LICENCE TO KEEP AN INN.

Legislative Records of the Council, xxi., 140. Mass. Archives, cxl., 375.

Mass. Archives, cxl., 374. House Journal, p. 427.

A PETITION of Spencer Bennet of Salisbury in the County of Essex shewing that he has removed into a House commodious for the Entertainment of Travellers, Praying that the Court of General Sessions of the Peace for said County may be impowered to grant him a Licence at their present Session for keeping a Tavern there,

Read and

*Ordered*, That the Prayer of this Petition be so far granted as y^t y^e Justices of y^e Court of Gen^l sessions of the peace for the County of Essex at their present sessions be and hereby are impowered [1] (if they see fit) to grant the Petitioner a Licence to keep an house of Public Entertainment in the Town of Salisbury. He first Obtaining the Approbation of the select men of s^d Town, the Time for granting Licences being elapsed notwithstanding. [*Passed April 2.*

[1] The words "at their present . . . are impowered" are underlined in the original.

## CHAPTER 389.

ORDER RATIFYING AND CONFIRMING THE ACTS OF JON$^{A}$ CUTLER CONSTABLE OF OXFORD.

A Petition of Jonathan Cutler of Oxford, shewing that he was chosen Constable of said Town in March 1755, and took the Oath of Office, but thro' Ignorance neglected to take the Oath relating to the Bills of Credit, and he fears he shall meet with Difficulty more especially in relation to the Taxes he has gathered or may be obliged to gather, Praying for some proper Releif from this Court.

Legislative Records of the Council, xxi., 140. Mass. Archives, cv., 532.

Read &

*Voted* That the Prayer of the within Petition be so far granted as that the doings and proceedings of the said Jonathan Cutler in the office of Constable for the Town of Oxford in the year 1755 be and hereby are ratified and Confirmed to be as good and Valid to all Intents and purposes as if the said Jonathan had taken the oath by Law Required relating to the Bills of Credit of the Neighbouring Governments provided the said Jon$^{a}$ in all other Respects hath Conformed himself to y$^{e}$ Directions of the Law and that upon the said Jon$^{a}$ takeing the said oath he be & hereby is Impowered to Collect such arrears of Taxes as may be yet uncolleted in said Town of oxford. [*Passed April 2.*

House Journal, p. 426. Province Laws, iii., 714, chap. 23.

## CHAPTER 390.

ORDER GRANTING TO JOSHUA OTIS LICENCE TO KEEP AN INN.

A Petition of Joshua Otis of Scituate shewing that he is about to remove into a House in the said Town near the Harbour which has been used as a Tavern for more than fifty Years, Praying that the Court of General Sessions of the Peace for the County of Plymouth may be impowered to grant him a Licence at their next Term.

Legislative Records of the Council, xxi., 141. Mass. Archives, cxi., 379.

Read and

*Ordered*, That the prayer of this Petition be so far granted as that the Justices of the Court of Gen$^{l}$ sessions of y$^{e}$ peace for the County of Plymouth at their next Term be and hereby are impowered (if they see fit) to grant y$^{e}$ Petitioner a Licence to keep an House of Public Entertainment in the Town of Scituate He first Obtaining the approbation of the Select Men of S$^{d}$ Town the Time for granting Licences being elapsed Notwithstanding. [*Passed April 2.*

Mass. Archives, cxi., 378. House Journal, p. 425.

## CHAPTER 391.

ORDER GRANTING TO W$^{M}$ FOSTER LICENCE TO KEEP AN INN.

A Petition of William Foster of Boxford shewing that he has lately purchased an House in Newbury, which has for many Years been used as a Tavern, and is judged by the Select Men there necessary to be so continued, Praying that the Court of General Sessions

Legislative Records of the Council, xxi., 141. Mass. Archives, cxi., 373.

Mass. Archives, cxl., 372. House Journal, pp. 425, 428.

of the Peace for the County of Essex may be impowered to grant him a Licence at their next Term:

Read and

*Ordered* That the Prayer of this Petition be so far granted as that the Justices of the Court of Gen$^{l}$ sessions of y$^{e}$ Peace for y$^{e}$ County of Essex at their present Sessions be and hereby are impowered (if they see fit) to grant y$^{e}$ Pet$^{r}$ a Licence to keep a house of public Entertainm$^{t}$ in y$^{e}$ Town of Newbury, he first Obtaining y$^{e}$ Approbation of y$^{e}$ Select Men of s$^{d}$ Town, the Time for granting Licences being elapsed Notwithstanding. [*Passed April 2.*

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## CHAPTER 392.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 141.

Mass. Archives, lxxv., 64, 65, 66, 164, 196, 245, 260, 278, 292, 315, 318, 331, 341, 342, 343, 344, 346, 347, 349, 364, 365, 366, 367, 418, 420, 425, 427. House Journal, pp. 424, 425.

*Ordered* that there be allowed & paid out of the public Treasury To Timothy Wilkins, the Sum of Three Pounds fourteen Shillings, To Ephraim & Peter Heald the Sum of Three Pounds seventeen Shillings & four pence. To Asa Clarke the Sum of Three Pounds four Shillings; To Jonathan Bullard the Sum of Three Pounds two Shillings, To Simeon Johnson the Sum of Four Pounds thirteen Shillings and six pence, To Mary Jackson Widow of Daniel Jackson Dec$^{d}$ the Sum of Forty four Shillings and eight pence; To Nathaniel Carter the Sum of Forty three Shillings and four pence, To Jonas Allen the Sum of Fifty nine Shillings and eight pence, To Nathaniel Clark the Sum of Four Pounds sixteen Shillings, To William Pattin the Sum of Forty five Shillings, To Joseph Kemball the Sum of Three Pounds seven Shillings; To Sarah Stevens Widow of James Stevens dec$^{d}$ The Sum of Forty two Shillings; To Ephraim Wood jun$^{r}$ the Sum of Forty nine Shillings; To Simeon Wyman the Sum of Thirty two Shillings, To John Hemingway the Sum of Forty one Shillings & nine pence, To Peter Rice the Sum of Twenty Shillings; To Abraham Rice the Sum of Twenty five Shillings; To John Wadsworth the Sum of Four Pounds, nineteen Shillings & four pence, To Samuel Blaisdell the Sum of Ten Pounds twelve Shillings & ten pence, To Gideon Colby the Sum of Three Pounds ten Shillings and one penny; To M$^{r}$ Francis Whipple for the Use of Henry Gasket the Sum of Forty Shillings and ten pence; To William Growte, the Sum of Four Pounds sixteen Shillings; To M$^{r}$ Isaac Bonney for the Use of Samuel Whitman the Sum of Fifty nine Shillings; To Nathan Smith the Sum of Five Pounds nine Shillings; To Joseph Harvy the Sum of Thirty six Shillings, and To Daniel Howard Esq$^{r}$ for the Use of Joseph Turner the Sum of Nine Pounds eleven shillings in full Consideration of their Expences &c$^{a}$ in their respective Petitions mentioned. [*Passed April 2.*

## CHAPTER 393.

VOTE SUBSTITUTING THOMAS GREENWOOD, ESQ, FOR SAMUEL LIVERMORE ON THE COMMITTEE FOR FARMING EXCISE IN MIDDLESEX COUNTY.

*Voted* that Thomas Greenwood Esq[r] be of the Committee to farm out the Excise on spirituous Liquors in the County of [Middlesex in the room of][1] Samuel Livermore Esq[r] who is absent in the Service of the Governm[t].[2] [*Passed April 2.*

Legislative Records of the Council, xxi., 142.

*Ante*, p. 458, chap. 326.

## CHAPTER 394.

VOTE FOR CONTIN[G] THE INLISTMENT OF SOLDIERS FOR THE CROWN POINT EXPEDITION.

Legislative Records of the Council, xxi., 142. Mass. Archives, lxxv., 433.

*Voted* That his Excellency the Cap[t] General be desired to give Orders to the Inlisting Officers for the intended Crown-Point Expedition to proceed in their Inlistments for the said Service, the Time limitted by this Court for that purpose being elapsed Notwithstanding. [*Passed April 3.*

House Journal, pp. 376, 432. *Ante*, p. 456, chap. 320.

## CHAPTER 395.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Ordered* that there be allowed & paid out of the public Treasury to Capt Ebenezer Moulton the Sum of Nine Pounds, To William Lawrence Esq[r] for the Use of Joshua Blanchard the Sum of Four Pounds five Shillings and four pence, For the Use of Obadiah Sartel the Sum of Four Pounds eleven Shillings and four pence, and for the Use of Joseph Butterfield the Sum of Two Pounds sixteen Shillings and four pence, To Capt Benjamin Millekin for the Use of Ezra Merrick the Sum of Nine Shillings, For the Use of Richard Kemball the Sum of One Pound seven Shillings, For the Use of Joshua Kemball the Sum of One Pound seven Shillings & eleven pence, For the Use of Samuel Walker the Sum of Six Shillings, for the Use of Daniel Jaques the Sum of Two Pounds eight Shillings, and for the Use of Abel Kembal the Sum of Eighteen Shillings; To M[r] David Marsh for the Use of James Emerson, the Sum of Three Pounds, and for the Use of Samuel Stevens the Sum of Four Pounds ten Shillings; To M[r] Phineas Hayward for the Use of Benjamin Gates the Sum of Two Pounds; To M[r] Francis Whipple for the Use of Ithamar Bellows the Sum of Two Pounds, two Shillings & ten pence, to Benjamin Cobb the Sum of Seven Pounds six Shillings & four pence, to Jacob Tyler the Sum of Forty Shillings, to Marshal Newton the Sum of Forty five Shillings and two pence; To John M[c]Cluer the Sum of Thirty eight Shillings in full Consideration of the Expences mentioned in their respective Petitions. [*Passed April 3.*

Legislative Records of the Council, xxi., 143.

Mass. Archives, lxxv., 171, 327, 328, 332, 333, 345, 379, 380, 381, 382, 388, 412, 413, 414, 415, 436, 437 *bis*, 438. House Journal, pp. 428, 429.

[1] Inserted from the State Library copy, Legislative Records of the Council, xxi., 142.
[2] Not found in the House Journal.

## CHAPTER 396.

ORDER GRANTING TO THOMAS CUSHMAN LICENCE TO KEEP AN INN AND TO JOHN FAUNCE LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xxi., 143.

House Journal, pp. 417, 428.

A PETITION of Thomas Cushman & John Faunce the one a Tavern[r] and the other a Retailer in the Town of Kingstone in the County of Plymouth, shewing that by means of Sickness they lapsed the proper Season of renewing their Licences, Praying that the Court of General Sessions of the Peace for said County may be impowered at their next Term to Licence the Pet[rs]

Read &

*Ordered* that the Prayer of the Petition be so far granted as that the Justices of the Court of Gen[l] Sessions of the Peace for the County of Plymouth be & hereby are impowered at their next term, if they see fit, to grant to the Pet[r] Thomas Cushman a Licence to keep an House of public Entertainment, and to the Pet[r] John Faunce a Licence to be a Retailer in the Town of Kingston, they first obtaining the Approbation of the Select men of said Town, the Time for granting Licences being elapsed notwithstanding. [*Passed April 3.*

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## CHAPTER 397.

ORDER IMPOWERING JOSHUA WINSLOW, ESQ[R], TO EXPORT PROVISIONS TO SURINAM.

Legislative Records of the Council, xxi., 143. Mass. Archives, lxv., 197.

House Journal, p. 430. Province Laws, iii., 866, chap. 7; 954, note. *Ante*, p. 270, chap. 261.

A MEMORIAL of Joshua Winslow Esq[r] of Boston Merch[t] shewing that he is fitting out for a Voyage to Surinam the Brig[ne] Ordnance Packet Duncan Ingraham Master, Praying that he may be permitted to ship on board said Vessel Sixty Barrells of Flour, and fifty Barrells of Beef

Read and

*Ordered*, That the Prayer of this Petition be granted; And That the Pet[r] have liberty to Ship the Provisions mentioned on board the Brig[t] Ordnance packett Duncan Ingraham Master, and that y[e] Commissioner of Impost be and hereby is impowered & directed to take Bond of One thousand Pounds sterling of the Petitioner for landing the same at the Port of Surrinam; And That the Chief Officer of s[d] Vessel at his return make oath that y[e] s[d] Provisions were actually landed there, and on his taking the s[d] Oath the said Bond to be Cancelled. [*Passed April 3.*

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## CHAPTER 398.

ORDER ALLOWING £4. 15 TO SYLVANUS PIERCY.

Legislative Records of the Council, xxi., 144.

House Journal, pp. 428, 430.

A PETITION of Sylvanus Piercy of Pontoosuck, Praying to be allowed his Charge of Billeting sundry Soldiers under the Command of Capt Hinchman [1] then in the Service of this Government.

Read &

[1] The House Journal, p. 428, reads, "Capt. *Hinman*."

*Ordered* that there be allowed and paid out of the public Treasury to the Pet$^{r}$ the Sum of Four Pounds sixteen Shillings in full of the Account exhibited. [*Passed April 3.*

## CHAPTER 399.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY FOR ARMS IMPRESSED.

A Certificate of Capt Zaccheus Toby of Dartmouth of a Number of Fire Arms impressed for the Service of the late Expedition, returned to the Owners, with the Names of the Soldiers for whom they were impress'd.

Legislative Records of the Council, xxi., 144.

House Journal, p. 429.

Read &

*Ordered* that the Treasurer be directed to pay to the several Persons mentioned in the within Certificate, who have returned the Guns impressed for their Use the several Sums deducted from their Wages in the Muster Roll on the Account of the said Guns. [*Passed April 3.*

## CHAPTER 400.

ORDER ON THE MEM$^{o}$ OF THE PROPRIET$^{RS}$ OF THE TOWNSHIP GRANTED TO JONATHAN POWERS & OTHERS.

A Memorial of the Proprietors in the Township of York granted to Jonathan Powers & others, setting forth the Obstructions they have met with as to their Compliance with the Conditions of their Grant by reason of the Indian War & otherwise, and the great Expences they have already been put to, and praying that their Grant may be made absolute, or that they may be otherwise releived as this Court shall judge fit.

Legislative Records of the Council, xxi., 144. Mass. Archives, cxvii., 121.

Mass. Archives, cxvii., 118.

House Journal, pp. 417, 418, 419, 430, 431.

Province Laws, ii., 941, chap. 6; 972, chap. 20; xii., 252, chap. 288; 276, chap. 34. *Ante*, p. 208, chap. 103.

Read and

*Ordered* That the Prayer of this Memorial be so far granted as that the Grant of the Lands mentioned therein to the said Proprietors be and hereby is made Absolute and the Tract aforesaid Confirmed to the present Proprietors in Fee: Saving with the Conditions & provisoes hereafter mentioned; their lands to be Subject nevertheless in such manner to the payment of such Rates & Taxes as by said Proprietors shall be duly Assessed for the defreying y$^{e}$ Charges of Settling said Township as the lands of the Proprietors of New Townships are Subjected to, by An Act of this Province made in the Eleventh Year of his present Majestys Reign Chap$^{r}$ the Second & by Another Act Made in the twelfth Year of the same Reign Chap$^{r}$ the third

Provided Nevertheless that each Proprietor On or before the third day of October A:d: 1756 become bound to the Treasurer of this Province for the time being in the penalty of ten pounds with Condition that within three Years after the Commencement of the next peace with the Indians he or she will have a house of Eighteen feet Square & Seven feet Stud at the least built on his or her Right have Six Acres of land Cleared & brought to english Grass or fitted for plowing or mowing and have a Protestant Minister Settled there.

And that if any Proprietor or Proprietors shall not within that time Give bond as aforesaid that then his or her share shall be forfeited & Transferred to and Vested in the other Proprietors in such proportions as shall be Settled & Agreed Upon by the Propʳˢ at their Meeting Legally Warned they or one of them giving bond in like manner within three Months after with the same Conditions

Provided also that if any Proprietor or Proprietors shall not perform the Conditions of his her or their bonds aforesaid he she or they shall not only be obliged to pay to the use of this Province the whole penalty of his her or their bonds But his her or their Share or shares shall be forfeited & transferred to and be Vested in the other Proprietors in such proportions as shall be Settled & agreed Upon by the proprietors at their Meeting Legally warned they giving bonds in manner aforesaid with Conditions to perform the same things within three Years then next insuing. [*Passed April 3.*

## CHAPTER 401.

ORDER GRANTING TO JONᴬ HAWKE LICENCE TO KEEP AN INN.

Legislative Records of the Council, xxi., 145. Mass. Archives, cxi., 382.

Mass. Archives, cxi., 381. House Journal, p. 433.

A PETITION of Jonathan Hawkes shewing that he has obtained the Approbation of the Select men of Medford to keep a Tavern in a House in that Town which has for many Years been used in that Business, Praying that the Court of General Sessions for the County of Middlesex may be impowered to grant him a Licence for the same.

Read and

*Ordered*, That the Prayer of this Petition be granted, And yᵗ the sᵈ Court of Genˡ Sessions of the Peace for the County of Middˣ be and hereby Are impowered at their sᵈ next Sitting by adjournmᵗ to grant yᵉ Petitioner a Licence (if they see fitt) accordingly. [*Passed April 5.*

## CHAPTER 402.

VOTE THAT 100 DOLLARS BE PAID TO CAPᵀ STEPHEN WEBSTER FOR ADVANCES TO HIS COMPANY OF CARPENTERS.

Legislative Records of the Council, xxi., 145. Mass. Archives, lxxv., 439.

House Journal, p. 435.

*Voted*, That there be Paid out of the Public Treasury to Capᵗ Stephen Webster the Sum of One Hundred Dollars for the use of the Men belonging to his Company going on the service in the intended Expedition against Crown-point, the same to be deducted out of their day Wages as Carpenters, the sᵈ Webster to be accountable. [*Passed April 5.*

## CHAPTER 403.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 146.

*Ordered* that there be allowed & paid out of the public Treasury to Mʳ David Wilder for the Use of William Kendell the Sum of Two Pounds five Shillings & four pence, & for the Use of Daniel Hough-

ton forty Shillings; To Capt Enoch Kidder for the Use of David Merrill, Three Pounds three Shillings and ten pence, and for the Use of Steven Merrill Two Pounds five Shillings and eight pence, To M^r^ John Bradbury for the Use of Nathaniel Hill, Seven Pounds one Shilling & ten pence, To M^r^ Daniel Williams for the Use of Nathan Briant twenty Shillings; and to John Redman three Pounds ten Shillings in full Consideration of the Expences mentioned in their several Petitions. [*Passed April 5.*

Mass. Archives, lxxv., 322, 362, 363, 370, 371, 372. House Journal, p. 432.

## CHAPTER 404.

ORDER ALLOWING £148. 13. 4½ TO DIVERS PERSONS FOR THE ENTERTAINMENT OF SOLDIERS.

*Ordered* that there be allowed and paid out of the public Treasury to Thomas Buckminster Ten Pounds two Shillings and eleven pence, To Abraham Williams Esq^r^ Fourteen Pounds eleven shillings and four pence; To John Taylor Four Pounds six Shillings, To Thomas Slayton Seven Shillings and six pence, To William Scott Twenty Pounds fifteen Shillings; To Daniel Haywood Three Pounds twelve Shillings & ten pence; To Jonathan Rice Five Pounds twelve Shillings & five Pence; To Benjamin Eager Twelve Pounds three Shillings & five pence, To Daniel Hubbard Nine Pounds seventeen Shillings, To Thomas Gilbert Four Pounds, To David Wilder Twenty two Shillings and six pence, To Aaron Shelden Thirty Pounds nine Shillings & nine pence, To Luke Brown Fourteen Pounds ten shillings one farthing, To Moses Marsh Thirteen Shillings; To Robert Henry Twenty two Shillings and six pence; To David Boise, Seven Shillings; To Robert Black seven Shillings; To James Moore Thirteen Shillings & six pence, To James Carter Fifteen Shillings; To Samuel Crook Twenty Shillings, To Daniel Ward Six Pounds one Shilling & one penny, one farthing, To Robert Chafflin Four Pounds three Shillings and eight pence; To Jabez Beman Thirty nine Shillings & eleven pence, amounting in the whole to the Sum of One hundred & forty eight Pounds thirteen Shillings and four pence half penny, being in full Discharge of their respective Accounts of Entertainment afforded to Soldiers on their Return from the Army in the late Crown Point Expedition herew^th^ exhibited. [*Passed April 6.*

Legislative Records of the Council, xxi., 146.

House Journal, p. 436.

## CHAPTER 405.

ORDER IMPOWERING ELIZAB FRY, ADM^x^ AND GUARDIAN, TO SELL LAND.

A Petition of Elizabeth Fry Widow of Ebenezer Fry late of Andover dec^d^ shewing that her Husbands personal Estate is not sufficient to pay the Debts, therefore praying that as Administ^x^ she may be impowered to sell nineteen Acres of his Land for that Use.

Read and

*Ordered*, That the Prayer of y^e^ Pet^n^ be so far granted as that the Pet^r^ in her s^d^ Capacity of Admin^x^ & Guardian be impowered to make

Legislative Records of the Council, xxi., 148. Mass. Archives, xix., 382.

Mass. Archives, xix., 381. House Journal, pp. 416, 418, 419. Province

Laws, li., 151, chap. 10.

Sale of the Lands therein mentioned for y^e^ most the same will fetch & to make & Execute a good & Sufficient Deed or Deeds of Conveyance thereof in the Law, She Observing the direction of the Law respecting Admin^rs^ Selling of Lands, She giving sufficient Caution to the Judge of Probate for the County of Essex to Account for the produce of the premisses, and that the same shall be disposed of according to Law. [*Passed April 6.*[1]

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# CHAPTER 406.

VOTE THAT THE CAP^T^ GENERAL BE DESIRED TO ORDER THE ENLISTMENT OF TWO COMPANIES OF ARTILLERY, AND NAMING THE ESTABLISHMENT THEREFOR.

Legislative Records of the Council, xxi., 147. Mass. Archives, lxxv., 453.

House Journal, p. 434. *Ante*, p. 454, chap. 316.

WHEREAS in the Establishm^t^ of Wages made by this Court the 26^th^ of February last for the Officers and Soldiers going in the intended Expedition against Crown Point; this Government engaged to pay their proportion with the other Governm^ts^ Concerned in Said Expedition of the Wages of the several Officers hereafter named at the rates following Viz^t^

| | | | | |
|---|---|---|---|---|
| One Bombardier who shall be Capt^n^ of y^e^ Artillery . . . . | £12. | 16. | 0 | ℔ m^o^ |
| One Lieutenant of the Artillery . . . . . | 5. | 6. | 8. | D^o^ |
| A Second Bombardier . . . . . | 4. | 5. | 4. | D^o^ |
| Three Bombardiers Assistants (each) . . . . . | 2. | 13. | 4 | D^o^ |
| Sixteen Gunners (each) . . . . . | 2. | 0. | 0 | D^o^ |

And Whereas the Officers above named are not Sufficient for managing the Artillery in the Expedition aforesaid: And it being of very great importance that no deficiency happen in this Article, Therefore

*Voted*, That his Excellency be & he is hereby desired to give Orders for the raising two Companies for this Service in lieu of the officers above named to be considered as part of the Men ordered to be raised by this Governm^t^ for the Expedition aforesaid, And both together to Consist of Two hundred & twenty one Men including officers as hereafter mentioned whose wages shall be as follows, Viz^t^

| | | | | |
|---|---|---|---|---|
| Richard Gridley Esq^r^ Chief Engineer & Commander of the Train of Artillery . . . . . | £12. | 16. | 0 | ℔ M^o^ |
| Two Captain Lieutenants each . . . . . | 5. | 6. | 8 | d^o^ |
| Two first Lieutenants each . . . . . | 4. | 10. | 0 | d^o^ |
| Eight Second Lieutenants each . . . . . | 3. | 12. | 0 | d^o^ |
| Twenty Eight Bombardiers each . . . . . | 2. | 13. | 4 | d^o^ |
| Forty Gunners each . . . . . | 2. | 0. | 0 | d^o^ |
| One Hundred & thirty two Matrosses[2] each . . . . . | 1. | 16. | 0 | d^o^ |
| One Commissary or Store keeper . . . . . | 4. | 0. | 0 | d^o^ |
| Four Conductors of the Stores each . . . . . | 3. | 0. | 0 | d^o^ |
| One Chirurgeon's Mate . . . . . | 5. | 6. | 8 | d^o^ |
| Two Artificers Viz^t^ a Carpenter & a Smith, each . . . . . | 4. | 0. | 0 | d^o^ |

And That there be paid a Bounty of Six Dollars to each Bombardier Gunner & Matross[2] who shall inlist into the Companies aforesaid, each of them to furnish himself with a good Fire-Arm & Accoutrements.

And Whereas the Wages of the aforesaid Officers & Men will amount to Considerably more than the Wages of a like Number of common Soldiers with their proper Officers in the Expedition

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 7.

[2] An artillery man.

aforesaid; it is expected By this Governm^t that the other Governm^ts engaged in Said Expedition will reimburse to us their respective proportions of Such extra Expence: And the Governor is desired to Notify said Gov^ts thereof, that they may make provision Accordingly. [*Passed April 7.*

## CHAPTER 407.

ORDER ALLOWING £13. 16. 11 TO JON^A FOSTER & OTHERS FOR THEIR EXPENCES.

*Ordered* that there be allow'd and paid out of the public Treasury to William Lawrence Esq^r for the Use of Jonathan Foster the Sum of Forty Shillings, for the Use of John Swallow Six Pounds three Shillings and two pence, and for the Use of David Kemp, two Pounds ten Shillings and seven pence; To John Aplin Three Pounds ten Shillings, To Samuel Pool thirteen Shillings & two pence half penny being in full Consideration of the Expences mentioned in their respective Petitions herewith exhibited. [*Passed April 7.*

Legislative Records of the Council, xxi., 148.

House Journal, p. 435. Mass. Archives, lxxv., 168, 369, 407, 408, 410, 411.

## CHAPTER 408.

ORDER ALLOWING £20. 16 TO REV^D M^R STEPHEN WILLIAMS.

A Memorial of M^r Stephen Williams shewing that he undertook to officiate as Chaplain of the Regiment employed in the late Expedition, under the Command of Col^o Ephraim Williams (now dec^d), that by Reason of Col^o Ruggles's Regiment being destitute of a Chaplain he officiated in that Trust also the greatest Part of the Time, praying for a proper Allowance for his extra Service.

Read and

*Ordered*, That there be allowed and paid out of y^e public Treasury to the Pet^r the Rev^d M^r Stephen Williams, The Sum of Twenty Pounds sixteen Shillings only as Chaplain to Col^o Ruggles's Regiment in the late Crown-Point Expedition, in full for that Service, his being made up in said Ruggles's Muster Roll the Sum of £59.17.8 Notwithstanding.[1] [*Passed April 7.*[2]

Legislative Records of the Council, xxi., 151. Mass. Archives, xiii., 769.

Mass. Archives, xiii., 770. House Journal, pp. 437, 438.

## CHAPTER 409.

VOTE DESIRING HIS EXCELLENCY THE GOVERNOR TO APPOINT A PUBLIC FAST.

There being Affars of the utmost Importance to this and the other Brittish Governments in America: Agitating and under Consideration

*Voted* that His Exelency the Governor with the Advice of His Majesties Council be Desired to Appoint a Day to be set a part for

Legislative Records of the Council, xxi., 149. Mass. Archives, xiii., 771.

House Journal, pp. 444, 445.

[1] Final action on this petition not found in the House Journal.

[2] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 8.

Love's Fast and Thanksgiving Days of New England, p. 497.

solemn fasting and prayer; to be observed through out this Province: to Humble our selves Before Allmighty GOD: and in a most Devout and sollomn maner send up our prayers and supplications: to the Devine Majesty: to Avert all those Judgments which we most Justly Have Deserved: & to Continue His Marcies: and to perpetuate: the Enjoyment of the Protestant Religion aMong us: To Implore His Protection and Blessing upon all the Brittish fleets and Armies: for the Devine presents and Blessing in the Advancing year: and perticularly that God would Direct And succeed us in our publick Great and Important Concerns: and that all servial Laber and Recreation be strictly forbidden on said Day.[1] [*Passed April 8.*

## CHAPTER 410.

### VOTE ALLOWING £3. 6. 8 TO PETER PORTER.

Legislative Records of the Council, xxi., 149. Mass. Archives, lxxv., 465.

House Journal, p. 436.

*Voted*, That there be allowed and paid out of the publick Treasury to Peter Porter a Soldier in the late Expedition against Crown point, the Sum of three pounds six Shill[s] & eight pence in full for Ten Weeks service which was omitted in the Muster Roll made up by Cap[t] Nath[l] Blake. [*Passed April 8.*

## CHAPTER 411.

### ORDER ALLOWING DIVERS AMOUNTS FOR THE ENTERTAINMENT OF SOLDIERS.

Legislative Records of the Council, xxi., 149.

House Journal, p. 442.

*Ordered* that there be allowed and paid out of the public Treasury to the several Persons following the Sums affixed to their respective Names in full of their Accounts of Entertainment afforded to Soldiers on their Return from the Army engaged in the late Crown Point Expedition; viz[t] To James Hopkins four Pounds three Shillings and six Pence; To Samuel Glover Five Shillings; To Abel Cooley Twenty one Shillings and six pence; To Jonathan White Six Shillings: To Joshua Warner Fifty three Shillings & eight pence: To John Morgan Five Shillings and six pence; To Eldad Taylor Twenty Pounds twelve Shillings: To Joshua Kellog Three Shillings: To Jonathan Dunnel Fourteen Shillings & three pence: To Ezekiel How Five Pounds seven Shillings & eight pence: To Cornelius Jones Thirty four Shillings: To Azariah Dewy Fourteen Shillings and six pence; To Joseph Miller Ten Pounds eighteen Shillings and seven pence half penny. To Joseph Buckminster Seventeen Shillings: To Beriah Rice Thirty one Shillings & six pence: To Aaron Payson Fifteen Pounds eighteen Shillings and eleven pence three farthings: To Gamaliel Burghart Three Pounds eight Shillings: To David Shaw Eight Pounds nineteen Shillings: To Abel Bliss forty three Shillings and six pence: To Jonathan Shepherd Sixteen Shillings; To Jacob White Twenty two Pounds two Shillings To John Flag Seventeen Pounds ten Shillings: To Isaac Baldwin nine Pounds six Shillings and

[1] The fast was appointed for April 29, and was public.

ten pence: To Aaron King Four Pounds nine Shillings and six pence. To Samuel Baldwin one Pounds nineteen Shillings and one farthing: To Samuel Lynde Six Pounds seven Shillings and eight pence: To Nathaniel Wolcot Ten Pounds one shilling and six pence: To Jonathan Sergeant Six Pounds ten Shillings and ten pence half penny: To Richard Cutting forty two Shillings and four pence: To Daniel Harrington Thirty seven Shillings & six pence: To John White Thirteen Pounds seventeen Shillings and eleven pence: To John Maynard twenty five Shillings: To Bezaliel Eager Six Pounds seven Shillings & five pence To Samuel Lock Fifteen Shillings; To Elizabeth Rice Eleven Shillings and six pence, To John Burt Thirty nine Shillings & three pence; To William Knox Twelve Shillings & six pence; To Elijah Marcy Twenty three Shillings To Phineas Leland twenty six Shillings: To Daniel Hoar sixteen Shillings & ten pence: To Moses Hastings Twenty three Shillings and six pence To Jacob Whiple Twelve Shillings and eight pence: To Samuel Pool Twelve Shillings and four pence: In all £260.5.0½. [*Passed April 8.*

## CHAPTER 412.

ORDER GRANTING TO DANIEL WHITE LICENCE TO KEEP AN INN.

A Petition of Daniel White of Marshfield shewing that he has obtained Approbation from the Select men of said Town for continuing a Tavern in a House used by his Father as such till the Time of his Death in February, the Petitioner being now in Possession of it, Therefore praying that the Court of General Sessions of the Peace for the County of Plymouth may be impowered to grant him a Licence.

Legislative Records of the Council, xxi., 151. Mass. Archives, cxi., 377.

Mass. Archives, cxi., 376. House Journal, p. 443.

Read And

*Ordered* That the Prayer of this Petition be granted, & y^t^ the Court of Gen^l^ Sessions of the peace for y^e^ County of Plymouth at their next Setting be and hereby are impowered to Licence the Petitioner as an Innholder (if they see fitt) in S^d^ Town of Marshfield accordingly. [*Passed April 8.*

## CHAPTER 413.

VOTE REFERRING TO THE GARRISON ARMAMENT AND STORES AT FORT HALIFAX.

*Voted* That his Excellency the Cap^t^ General be desired to order as many of the officers & Soldiers out of the Scouting Companies emploied for the defence of the Eastern Frontier as may be necessary w^th^ the Soldiers already Posted at Fort Halifax & the Store House at Cushnoc to guard and assist in Transporting the Provisions & Stores wanted at Fort Halifax from the Store House at Cushnoc:

Legislative Records of the Council, xxi., 152. Mass. Archives, lxxv., 461.

House Journal, pp. 446, 447. *Ante*, p. 472, chap. 364.

And That his Excellency be desired To give Orders for Supplying Fort Halifax with Two Cannon Viz^t^ Nine Pounders, & a suit-

able quantity of Grape Shot for the same, provided they can be spared from any other Forts or Garrisons within this Province:

And That his Excellency be also desired to Order a Discharge of all the Soldiers posted at Fort Halifax who have been in the service there above twelve months, provided they desire it, and That fresh Men may be Supplied from the County of York in their room.

And That Cap$^{t}$ Lithgow be directed to give Information of the Charge that will arise on Shingling or Clapboarding the Buildings there, and whether it be the sides or roofs or both that need the same. [*Passed April 9.*

## CHAPTER 414.

RESOLVE APPORTIONING A TAX ON TOWNS & DISTRICTS BY THE NEW VALUATION.

Legislative Records of the Council, xxi., 152. Mass. Archives, cili., 427.

House Journal, pp. 94, 235, 239, 425, 426, 439, 440.

WHEREAS the General Court have now under consideration the making a new Valuation of the Estates in this Province; and it being impracticable to make it before the Tax for the year 1756 shall issue Therefore

*Resolved* that the Proportion of the several Towns and districts towards the Tax for the Year 1756, and any other Year before a new valuation shall be compleated, shall be finally adjusted and setled according to the Proportion which the Several Towns and Districts within this Province shall be set at in the next Valuation. [*Passed April 9.*

## CHAPTER 415.

ORDER GRANTING TO SUSANNAH BLAKE LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xxi., 153. Mass. Archives, cxi., 384.

Mass. Archives, cxi., 383. House Journal, p. 448.

A PETITION of Susannah Blake Widow of John Blake late of Boston dec$^{d}$ shewing that her late Husband had been a Retailer of Strong Drink in Boston for many Years and had renewed his Licence for this present Year Praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered to grant the Pet$^{r}$ a Licence.

Read and

*Ordered* That the Prayer of this Pet$^{n}$ be so far granted, as that y$^{e}$ Justices of y$^{e}$ Court of Gen$^{l}$ Sessions of y$^{e}$ peace for the County of Suffolk, be and hereby are impowered at their present Sessions to grant y$^{e}$ Pet$^{r}$ a Licence to retail spirituous Liquors (if they see fit) in the Town of Boston, she first Obtaining y$^{e}$ Approbation of y$^{e}$ Select Men of s$^{d}$ Town, the time for granting Licences being elapsed Notw$^{th}$standing. [*Passed April 9.*

## CHAPTER 416.

VOTE ALLOWING PAY AND SUBSISTENCE TO, AND AN INCREASE OF, THE GARRISON AT FORT DUMMER.

A Memorial of Capt$^{t}$ Nathan Willard setting forth the hazardous State of Fort Dummer under his Command, by Reason of the smallness of the Garrison there, Praying for an addition of Men to secure it.

Legislative Records of the Council, xxi., 153. Mass. Archives, lxxv., 472.

Read and Inasmuchas the Province of New Hampshire have & still do neglect to Garrison Fort Dummer which probably may, if kept up, greatly promote his Majesty's Service in the intended Expedition now forming against Crown point; & if it should please God to give Success in that important Expedition, the marching of his Majesty's Troops from time to time, as occasion shall or may require from s$^{d}$ Crown Point to Connecticut River will be greatly Shorten$^{ed}$, & S$^{d}$ Fort Dummer will serve & be of great advantage for a resting place.

Mass. Archives, lxxv., 471. Legislative Records of the Council, xx., 512. House Journal, pp. 134, 135, 139, 140, 447.

Therefore

*Voted*, That there be pay and Subsistence Allowed to a Sergeant and three men from the fifth of March last to the tenth day of June next, and that there be pay and subsistence allowed to six men more if they can be got by an inlistment untill the said tenth day of June next. [*Passed April 9.*

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## CHAPTER 417.

ORDER IMPOWERING THE TOWN OF GREENWICH TO ASSESS A TAX OF ONE PENNY PER ACRE ON ALL LAND.

A Petition of Simon Davis Agent for the Town of Greenwich in the County of Hampshire setting forth the Difficulties they are under in defraying their Ministerial and other public Charges, and praying that they may be impowered to tax all the Lands there at one penny per Acre for one Year for the End aforesaid.

Legislative Records of the Council, xxi., 153. Mass. Archives, cxvii., 130.

Read and

*Ordered*, That the Prayer of this Petition be granted; And That a Tax of One peny ℔ Acre for one year be laid on all the Lands belonging to Said Township of Greenwich, provided that in making & Collecting Such Tax the directions of the Law in such Cases already made be duly Conformed to. [*Passed April 9.*

House Journal, pp. 441, 442, 451. Province Laws, iii., 251, chap. 9.

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## CHAPTER 418.

ORDER ALLOWING £3, AND A FURTHER SUM OF £10 TO DAVID KEYS.

A Petition of David Keys praying the Allowance of the Account annexed of divers Things lost at the Time when the Petitioners Father & Brother were killed by the Enemy near Lake George.

Legislative Records of the Council, xxi., 154. Mass. Archives, lxxv., 467.

Read and

*Ordered*, That there be allowed & paid out of y$^{e}$ public Treasury

Mass. Archives, lxxv., 467. House Jour-

nal, pp. 441, 447, 448.

to y^e^ Petitioner the Sum of three pounds in Consideration of the Gun lost, & the Sum of Ten pounds in Consideration of y^e^ Mare impressed, as Mentioned in this Petition. [*Passed April 9.*

## CHAPTER 419.

ORDER IMPOWERING HENRY BROMFIELD AND FORTESQUE VERNON TO EXPORT PROVISIONS TO THE WEST INDIES.

Legislative Records of the Council, xxi., 154. Mass. Archives, lxv., 200.

A PETITION of Henry Bromfield & Fortesq; Vernon shewing that they are loading the Brigantine Pursue for the West Indies, Praying that they may be permitted to send a Quantity of Provisions, as therein mentioned.

Read and

Mass. Archives, lxv., 199. House Journal, p. 452. Province Laws, iii., 866, chap. 7; 954, note. *Ante*, p. 270, chap. 261.

*Ordered* That the Prayer of this Petition be granted and that the Petitioners have liberty to ship the Provisions mentioned on board the Brig^t^ Pursue; And that the Commissioner of Impost be and hereby is impowered and directed to take Bond of one Thousand pounds Sterling of the Petitioner for landing the same at the Port of Barbadoe's And that the Chief Officer of said Vessel at his return make Oath that the said Provisions were actually landed there and on his taking the said Oath the Bonds mentioned shall be Cancelled. [*Passed April 9.*

## CHAPTER 420.

ORDER ALLOWING £5 TO HOPESTILL BENT.

Legislative Records of the Council, xxi., 154.

A PETITION of Hopestil Bent a Soldier in the late Expedition against Crown Point praying that he may be allowed the Expences occasioned by his Sickness while in the public Service.

Read &

Mass. Archives, lxxv., 445. House Journal, p. 377.

*Ordered* that there be allowed & paid out of the public Treasury to the Pet^r^ Hopestill Bent the Sum of Five Pounds in Consideration of his Expence & Trouble mentioned.[1] [*Passed April 9.*

## CHAPTER 421.

ORDER ALLOWING £100 TO JOHN WHEELWRIGHT, ESQ^R^, COMMISSARY GENERAL.

Legislative Records of the Council, xxi., 155. Mass. Archives, lxxv., 139.

A MEMORIAL of John Wheelwright Esq^r^ Commissary General of this Province setting forth the largeness of the Business in his Office & his great Trouble & Expence therein, Praying that some proper Allowance may be made to him in Consideration thereof.

Read and

Mass. Archives, lxxv., 137, 138. House Journal, pp. 404, 443.

*Ordered*, That there be Allowed and paid out of the public Treasury the sum of One Hundred Pounds to the Memorialist John Wheelwright Esq^r^ in full Consideration of his Services therein mentioned. [*Passed April 9.*[2]

[1] Final action on this petition not found in the House Journal.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 10.

## CHAPTER 422.

VOTE DESIRING THE CAPT. GENERAL TO IMPRESS SOLDRS FOR THE CROWN POINT EXPEDITION.

It being of very great Importance that the Army intended against Crown Point should be in Action as early as may be, and the Thirty five hundred Men (inclusive of Officers) ordered to be raised on the part of this Government by Inlistment not being compleated.

Legislative Records of the Council, xxi., 155.

*Voted* that his Excellency the Captain General be desired to settle as soon as may be the Proportion that each Regiment of Militia within this Province should furnish of the Men ordered to be raised, as aforesaid, Regard to be had in adjusting said Proportion to the Number of Men belonging to said Regiments respectively, who have been engaged in his Majestys Service for the two Years last past, and he is also desired to issue immediate Orders for mustering the several Companies in all the Regiments, of this Province on the twenty second Instant; And if the said Three Thousand five hundred Men (inclusive of Officers) shall not be enlisted by that time, the Deficiency shall be supplied by an Impress to be made before the said Companies be dismissed: those who have inlisted or shall inlist in the intended Expedition against Crown Point to be considered as part of the Men which the Companies they respectively belong to shall be obliged to furnish, according to the Proportion to be settled as aforesaid. And His Excellency is desired immediately to acquaint the several Governments engaged in the said Expedition with these Measures, and to urge them to come into the same, or other Measures equally effectual for raising their respective Proportion of the Forces to be employed in the said Expedition, that it may be carried into Execution early & with Vigour. [*Passed April 9.*[1]

Mass. Archives, lxxv., 468. Legislative Records of the Council, xxi., 115, 136, 137. House Journal, pp. 385, 389, 419, 422, 423, 424, 448, 449. *Ante*, p. 463, chap. 344.

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## CHAPTER 423.

ORDER ALLOWING £73. 9. 6 TO THOMAS GILBERT.

A Petition of Thomas Gilbert Esqr an Officer in the late Army engaged in the Expedition against Crown Point shewing that he was at great Expence in laying in Provisions for Soldiers transported by Sea to Albany, with other Charges in their Transportation, Praying that this Court would give Orders for his Reimbursement.

Legislative Records of the Council, xxi., 155.

Read &

*Ordered* that there be allowed & paid out of the public Treasury to the Petr the Sum of Seventy three Pounds nine Shillings and six pence in full of what is due to him to ballance his Accompt exhibited. [*Passed* April 10.*

Mass. Archives, cxxiv., 425. House Journal, pp. 436, 441, 442.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 10.

## CHAPTER 424.

VOTE FOR SENDING SOLDRS TO BROAD BAY &cA.

Legislative Records of the Council, xxi., 155. Mass. Archives, cxvii., 131.

House Journal, pp. 415, 445, 446. *Ante*, p. 472, chap. 364.

In the House of Represents

Whereas it appears to this House necessary for the Safety of the Inhabits of Broad Bay & those near Henderson's Fort near pleasant point & Burton's Block-house That there be a number of Men ordered for their defence; Therefore

*Voted* That there be a Detachment of fifteen Men made from the two lowest Scouting Companies on the Eastern Frontiers, to guard the Inhabitants of Broad Bay during their Seed time & Harvest, And on other necessary occasions; And for the safety of Such Inhabits as are at or near Henderson's Fort at pleasant point & Burton's Block house That six Men including a Sergeant be posted at each of those places, six of the said men to be draughted from the Garrison at Fort Frederick, And the other Six to be inlisted from amongst the said Inhabitants; & That his Excellency the Capt General be desired to give order Accordingly: And That the Establishment for the Wages & Subsistence of said twelve men be the same as is allowed for other Garrisons on ye Eastern Frontiers For the Term of two months

In Council

Read and Concurr'd. [*Passed April 10.*

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## CHAPTER 425.

ORDER ALLOWING 20/ TO ZEBAD. JOHNSON.

Legislative Records of the Council, xxi., 156. Mass. Archives, lxxv., 348.

House Journal, pp. 421, 440, 453.

A PETITION of Zebadiah Johnson a Soldier in the Army employed in the Expedition against Crown Point in the last Year, praying that he may be allowed for a Gun he lost while in the Service of this Province.

Read and

*Ordered* That there be allowed & paid out of ye public Treasury to ye Petr ye Sum of Twenty Shillings in full Considn for his Gun mentioned. [*Passed April 10.*

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## CHAPTER 426.

ORDER ALLOWING £5 TO ISAAC WASHBURN.

Legislative Records of the Council, xxi., 156. Mass. Archives, lxxv., 266.

House Journal, p. 453.

A PETITION of Isaac Washburn an Ensign in the late Expedition against Crown Point, praying that he may be allowed the Charges he has been at in his Sickness while in the said Service.

Read And

*Ordered*, That there be allowed & paid out of the public Treasury the Sum of five pounds to the Petr in full for his Time & Expence mentioned. [*Passed April 10.*[1]

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 12.

## CHAPTER 427.

ORDER ALLOWING 30/ TO LYDIA GALE.

A Petition of Lydia Gale Widow of Thaddeus Gale dec$^{d}$ late a Soldier in the Expedition against Crown Point, praying that she may be allowed for a Gun lost in the Service.

Read and

*Ordered* That there be allowed & paid out of y$^{e}$ public Treasury the Sum of thirty Shillings to M$^{r}$ Francis Whipple for the Use of the Pet$^{r}$ in full Consideration of the Gun lost as mentioned in the Petition. [*Passed April 12.*

Legislative Records of the Council, xxi., 157. Mass. Archives, lxxv., 358.

House Journal, pp. 441, 453.

## CHAPTER 428.

VOTE ESTABLISHING THE PAY OF ARMOURERS AND ASSISTANTS IN THE CROWN POINT EXPEDITION.

*Voted* That there be allowed to each regiment employed on the late Expedition Ag$^{st}$ Crown point, One Armourer and an Assistant: That the Sum of Four pounds ℔ month be allowed to each Armourer, and forty Shillings ℔ month to each Assistant:

That the said Armourers And Assistants be directed not to make any Charge of any Work which has been done by them, during the Time of the s$^{d}$ Expedition, And that their Wages Commence from the Time of their Inlistment respectively. [*Passed April 13.*

Legislative Records of the Council, xxi., 157. Mass. Archives, lxxv., 475.

House Journal, p. 454. *Ante*, p. 452, chap. 310.

## CHAPTER 429.

ORDER DIRECTING THE PAYMENT OF SERVANTS WAGES TO ISAAC FOSTER.

A Petition of Isaac Foster shewing that his Servant Benjamin Presbury a Soldier in the late Expedition had his Wages carried out in Capt Gages Muster Roll, but for want of the Pet$^{rs}$ Name being therein inserted the Pet$^{r}$ cannot receive the Wages, Praying that this Court would impower him to draw the Wages notwithstanding said Omission.

Read And

*Ordered* That the Prayer of this Petition be granted; and That y$^{e}$ Treasurer be & hereby is directed to pay the Petitioner his Said Servants Wages according to y$^{e}$ Muster Roll. [*Passed April 13.*

Legislative Records of the Council, xxi., 157. Mass. Archives, lxxv., 486.

Mass. Archives, lxxv., 485. House Journal, p. 455.

## CHAPTER 430.

ORDER ALLOWING DIVERS AMOUNTS FOR THE ENTERTAINMENT OF SOLDIERS.

*Ordered* that there be allowed & paid out of the public Treasury to the several Persons hereafter mentioned the Sums affixed to their Names, in full Discharge of their Accounts of Entertainment afforded

Legislative Records of the Council, xxi., 158.

House Journal, pp. 457, 458.

to Soldiers on their Return from the Army employed in the late Crown Point Expedition; viz$^{t}$ To Elijah Moor Twenty Shillings and eight pence; To Joseph Smith Eleven Shillings; To William Manning Six Shillings and eight pence, To Joseph Moor Twenty two Shillings and two pence; To Samuel Boyden twelve Shillings; To Capt Dean three Shillings and six pence: To Benjamin Johnson Thirteen Shillings and four pence; To John Porter Six Shillings & six pence; To Nathaniel Smith Six Shillings; To Benjamin Bowden Two Shillings & nine pence three farthings; To Samuel Read ten Shillings & three pence; To Walter Pollard Twenty four Shillings and six pence; To Aaron Wood Six Shillings To John Goldsbury Fourteen Shillings; To Isaac Brown ten Shillings & eleven pence; To Thomas Stebbins Four Shillings; To Medad Saunderson four Shillings & six pence; To William Thayer eleven Shillings; To Lydia Norwood Twenty eight Shillings & eight pence; To Joseph Dewy Seventeen Shillings; To Daniel How ten Shillings & three pence half penny: To Jonathan Smith Eighteen Shillings & six pence; To Daniel Mosely Forty nine Shillings; To Moses Ashley Forty five Shillings & six pence; To William Ingersol Twenty eight Shillings; To Samuel Hopkins Thirty Six Shillings; To John Mosely Forty six Shillings, To Thomas Root Twenty Shillings, To Joshua Nichols Eighteen Pounds three Shillings & one penny half penny; To Ebenezer Fisk Twenty four Shillings & one penny; To Thomas Munroe Four Pounds fourteen Shillings & eight pence amounting in the whole to the Sum of Thirty eight Pounds, 10/ 7¾. [*Passed April 13.*

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## CHAPTER 431.

VOTE ALLOWING THE INHABITANTS OF THE DISTRICT OF DANVERS TO CATCH FISH.

Legislative Records of the Council, xxi., 158. Mass. Archives, lxxxvii., 429.

House Journal, pp. 445, 448. Province Laws, iii., 809, chap. 31; 838, note.

A PETITION of the Inhabitants of the District of Danvers by their Select men, setting forth their great Dependance upon the Fish that might be taken within their Bounds, but they apprehend the late Law referring to the taking Fish in Sceins[1] forbids their taking them in the proper Season, praying for Liberty to take Fish in Seins[1] three or four days in a Month, or be otherwise releived as this Court shall judge meet.

In the House of Rep$^{s}$

Read And, Whereas it is apprehended by this House That the Cove in the Memorial Mentioned is not included in the Design of the Law referred to therein;

Therefore

*Voted*, That the Inhabit$^{ts}$ of s$^{d}$ District be and hereby are allowed (with the Consent of their Select Men) to make use of s$^{d}$ Cove to their best Advantage

In Council Read & Concur'd. [*Passed April 13.*

[1] *Sic.*

## CHAPTER 432.

ORDER ALLOWING 30/ TO BENEDICT WEBBER.

A Petition of Benedict Webber a Soldier in the late Expedition against Crown Point, shewing that while he was extreamly sick his Gun was stolen from him, Praying that this Court would grant him the Value thereof:

Legislative Records of the Council, xxi., 158. Mass. Archives, lxxv., 470.

Read and

*Ordered* That there be allowed to y^e^ Pet^r^ and paid to M^r^ Benj^a^ Day for his Use the sum of thirty Shillings in full Consideration for his Gun Mentioned. [*Passed April 13.*

Mass. Archives, lxxv., 470. House Journal, pp. 452, 453, 455.

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## CHAPTER 433.

ORDER ALLOWING £9 TO SIM^o^ DAVIS.

A Petition of Simon Davis setting forth his great Sufferings by reason of Wounds he received from the Enemy while he was an Officer in the late Expedition against Crown Point, praying for Releif from this Court.

Legislative Records of the Council, xxi., 159. Mass. Archives, lxxv., 464.

Read And

*Ordered* That there be allowed and paid out of the public Treasury to the Pet^r^ the Sum of nine pounds in Consideration of his Services & Sufferings to this Time mentioned. [*Passed April 13.*

Mass. Archives, lxxv., 463. House Journal, p. 457.

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## CHAPTER 434.

VOTE ESTABLISHING WAGES FOR AN ADJUTANT GENERAL & A QUARTER MASTER GEN^L^.

*Voted*, That the following Establishm^t^ Of Wages be made for an Adjutant General, & a Quarter-Master General in the Army now raising for the Intended Expedition against Crown Point, & that This Governm^t^ pay their proportionable part thereof, with the Other Governments Concerned in Said Expedition, Viz^t^

Legislative Records of the Council, xxi., 159. Mass. Archives, lxxv., 477.

| | | |
|---|---|---|
| For an Adjutant General . . . . . | £7. 0. 0 per Month | Legislative Records of the Council, xxi., 154. House Journal, pp. 446, 457. *Ante*, p. 454, chap. 316. |
| For a Quarter Master General . . . . . | 5. 8. 0 Ditto | |

[*Passed April 13.*

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## CHAPTER 435.

ORDER ALLOWING THE ACCOUNT OF SAMUEL MILLER, LATE GUARDIAN OF THE PUNCAPAUG INDIANS, AND DIRECTING THE DELIVERY OF DIVERS BONDS TO THE PRESENT GUARDIANS.

An Accompt presented by Samuel Miller Esq^r^ one of the late Guardians of the Puncapaug Indians of Receipts & Disbursements for them.

Legislative Records of the Council, xxi., 160.

House Journal, p. 444. *Ante*, p. 238, chap. 171; p. 287, chap. 302.

Read &
*Ordered* that this Acco$^{t}$ be allowed & that the said Samuel Miller Esq$^{r}$ be & hereby is directed to deliver the Bonds therein said to be in his Hands, viz$^{t}$ one from Redman & Spur, one from Bent & Pope, and one from Jones & Wentworth, to Robert Spur Esq$^{r}$ & Mess$^{rs}$ Samuel Niles jun$^{r}$ & Joseph Billing the present Guardians to the said Puncapaug Indians. [*Passed April 14.*

## CHAPTER 436.

VOTE SUBSTITUTING JOHN CHOATE, ESQ, FOR OLIVER PARTRIDGE ON THE COMMITTEE TO RESIDE AT ALBANY, AND DIRECTING ONE OF THE COMMITTEE TO REPAIR TO FORT WILLIAM HENRY.

Legislative Records of the Council, xxi., 160. Mass. Archives, lxxv., 492.

House Journal, pp. 398, 399, 415, 460. *Ante*, p. 470, chap. 357.

*Voted*, That John Choate Esq$^{r}$ be of the Com$^{tee}$ lately appointed to reside at or near Albany to take Care of the Transportation of Provisions & Stores from Albany to Lake George for the use of the Army now raising for the intended Expedition against Crown-Point, in the room of Oliver Partridge Esq$^{r}$ who has excused himself from that Service.

Also That it be a direction to the s$^{d}$ Com$^{tee}$ That One of them repair to Fort William Henry to Take Care of the s$^{d}$ Provisions & Stores as they shall arrive there. [*Passed April 14.*

## CHAPTER 437.

ORDER ALLOWING £33. 15 TO COL$^{O}$ JONATH$^{N}$ BAGLEY.

Legislative Records of the Council, xxi., 161. Mass. Archives, lxxv., 460.

Mass. Archives, lxxv., 458. House Journal, pp. 452, 453.

A MEMORIAL of Col$^{o}$ Jonathan Bagley Commander of the Garrison at Fort William & Henry, setting forth his great Trouble & Expence in Discharge of that Trust, and praying that he may be allowed for the same as also a proper Sum for the Expence of his Table.

Read And
*Ordered*, That there be allowed and paid out of the public Treasury the Sum of Thirty three pounds fifteen Shillings to the Memorialist Jonathan Bagly Esq$^{r}$ in full for his Table & other Expences from the 18$^{th}$ day of Feb$^{y}$ to the 31$^{st}$ day of March last. [*Passed April 14.*

## CHAPTER 438.

VOTE APPOINTING REV$^{D}$ M$^{R}$ STEPHEN WILLIAMS CHAPLAIN OF TWO REGIMENTS OF THE CROWN POINT EXPEDITION.

Legislative Records of the Council, xxi., 162. Mass. Archives, xliii., 773.

Mass. Archives, xliii., 769, 772.

ON A MOTION Made and Seconded That His Excellency Be desired To appoint The Rev$^{d}$ M$^{r}$ Stephen Williams of Springfield to act as a Chaplain in y$^{e}$ Intended Expedition to Crown Point Both To the Regim$^{t}$ of Col. Dwight and also to Col Ruggles's Reg$^{t}$ For that both s$^{d}$ Col$^{s}$ and many other officers of s$^{d}$ Regim$^{ts}$ are very desirous thereof And Also that this Court would make provision for

Some Extra Allowance to s^d^ M^r^ Williams In Case he Should be appointed to Officiate as afores^d^ House Journal, p. 459. *Ante*, p. 454, chap. 316.

*Voted* That His Excellency Be Desired To appoint s^d^ M^r^ Williams to officiate to both s^d^ Regim^ts^ as afores^d^ And That in Case His Excellency Shall see meet to do the same, That s^d^ M^r^ Williams be Allowed the sum of five pounds lawfull money p^r^ month over and Above the sum Already Established as the pay of a Chaplain to a Single regim^t^ during y^e^ Time that he Shall Actually Officiate as Chaplain to both s^d^ Regim^ts^ The better to Enable him to Supply his Pulpit in his Absence. [*Passed April 14.*

## CHAPTER 439.

VOTE IMPOWERING THE ASSESSORS OF THE TOWN OF BROOKLINE TO ISSUE A WARRANT TO ISAAC CHILDS, JUN^R^, TO COLLECT TAXES.

A Petition of Isaac Child [1] shewing that he was chosen a Constable in the Town of Brooklyn for the Year 1751. that he had a List of the Taxes for that Year delivered to him by the Assessors, a great part of the Inhabitants paid him voluntarily, and he supposed none of the Rest of the Inhabitants would have needed Compulsion, but now finding it otherwise, therefore praying that this Court would authorize the present Assessors of said Town to issue a Warrant for his collecting the Taxes unpaid. Legislative Records of the Council, xxi., 163. Mass. Archives, cv., 534. Mass. Archives, cv., 533. House Journal, p. 469.

Read and

*Voted*, That the prayer of this Petition be granted And That the present assessors for the Town of Brooklyne be & hereby are authorized and impowered to issue a Warrant to the Pet^r^ Isaac Childs jun^r^ in the usual Form to Collect y^e^ Taxes in y^e^ List mentioned which remain unpaid, And that said Warrant & the executing of it shall be good and valid in Law to Oblige the delinquents to pay their said Taxes. [*Passed April 15.*

## CHAPTER 440.

RESOLVE THAT £300 BE ALLOWED THE CHIEF COMMANDING OFFICER OF THE INTENDED EXPEDITION AGAINST CROWN POINT, AND £400 ADVANCED TOWARDS HIS PAY, AND ALSO VOTED THAT THE SAID TOTAL SUM OF £700 BE APPORTIONED AMONG THE SEVERAL GOVERNMENTS.

*Resolved* that it is the opinion of this Court that the Sum of three hundred pounds be allowed to the chief commanding Officer of the forces now raising for the intended Expedition against Crown point to provide for the Expence of his table; & that the sum of four hundred pounds be advanced towards his pay & in case of his death before his arrival with the Army at Lake George so much of said sum of £400 as shall be over & above his Pay from the several Governments concerned until that time shall be repaid by his Heirs Executors or Administrators to each Government in proportion also Legislative Records of the Council, xxi., 164. Mass. Archives, lxxv., 484. Legislative Records of the Council, xxi., 138. House Journal, pp. 421, 460.

*Voted* that the sum of three hundred pounds be advanced by this

[1] The petition in Mass. Archives, cv., 533, and the House Journal, p. 469, reads, *Isaac Childs*, Junr.

Province as part of said Seven hundred pounds & the same is accordingly granted & allowed to be paid out of the Publick Treasury to such Commanding Officer for the purposes aforesaid the just proportion of each Government to said sum of seven hundred pounds to be hereafter settled together with the other charges of the Expedition.

*Voted* also that the consideration of wages or allowance for Service to said Commanding Officer be hereafter considered and the Secretary is directed to transmit a copy of this Vote to the several Governments as soon as may be. [*Passed April 15.*

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## CHAPTER 441.

ORDER IMPOWERING JOSHUA WALKER, ADM^R^, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 161. Mass. Archives, xix., 377.

A PETITION of Joshua Walker Administ^r^ of the Estate of Cap^t^ John Read dec^d^ shewing that it is necessary to sell part of the Real Estate for the Payment of the Debts, & he apprehends it will be most for the Benefit for all concerned to have the whole sold, therefore Praying for Power to sell the whole Real Estate accordingly.

Mass. Archives, xlx., 374, 375, 376. House Journal, pp. 374, 383, 391, 458. Province Laws, ii., 151, chap. 10.

Read, And, at the desire of all the Parties,

*Ordered* That the Persons named in the Petition, upon their being first duly Sworn, be and they hereby are impowered to make partition of the Lands within mention'd to and among the Partners; And that Such Partition, being exhibited to the Justices of the Superiour Court, of Judicature, and approv'd of by them, and recorded in their Clerk's office, Shall be valid and effectual in Law to all intents and purposes

And it is further

*Ordered* That the Petitioner, in his Capacity within mention'd, be and hereby is impowered to make Sale of the whole of the dēced's Real Estate, Saving the widow's Right of Dower therein, and to execute, in due form of Law, a Deed or Deeds for the Conveyance thereof to Such Person or Persons as Shall give most for the Same; and that the Produce of the Premises be applied towards the payment of the deceaseds just Debts; and the Overpluss, if any there be, divided among his Heirs, as the Judge for the Probate of Wills &c for the County of Middlesex Shall order, pursuant to Law; Provided before Such Sale be made, the Pet^r^ observe the Directions of the Law relating to Executors and Admin^rs^ Sale of Real Estates, and That he give Sufficient Security to the Said Judge for applying the Said Produce in manner as aforesaid. [*Passed April 16.*[1]

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 14.

# CHAPTER 442.

ORDER ON PETN OF THE MANAGERS OF TETTICUT LOTTERY.

A PETITION of Ephraim Keith for himself and the other Managers of the Lottery for raising a Sum for building a Bridge at Tetticut, shewing that they have proceeded therein in preparing for drawing the said Lottery so far as to dispose of near half the Tickets but have been hindered by Sickness; and whereas the Time for drawing is at hand, Praying that this Court would consider and determine upon some proper Way for their Releif.

Legislative Records of the Council, xxi., 162, 163. Mass. Archives, lxxxviii., 48.

The Committee appointed to take into Consideration the Petition of Ephraim Keith in behalf of the Managers of a Lottery for the building a Bridge over Tetticut River, so called, having met the said Managers & considered of the Difficulties they labour under respecting the Disposal of the Tickets for said Lottery, report that the Scheme of said Lottery be altered in the following Manner in order to finish and compleat the same. viz. that there be

Mass. Archives, lxxxviii., 47. House Journal, pp. 461, 473. Province Laws, iii., 861, chap. 3; 940 *bis*, note.

| | £ | | |
|---|---|---|---|
| One Prize of 125. . . . . | £125. | Three Ditto of £40 each . . . | £120 |
| Three ditto of £25 each . . . | 75 | Seven ditto of £20 each . . . | £140 |
| Eleven ditto of £10 each . . . | 110. | Twenty ditto of £5 each . . . | £100 |
| Fifty ditto of £3 each . . . | 150. | Six hundred & thirty ditto of £1 each. | £630 |

In all £1,450 And that the Number of Blanks be proportioned to the said Prizes as in the Scheme published by said Managers, and the Deduction of Ten per Cent only be made from the above Prizes for the Charge of building said Bridge: Which is humbly submitted:

By Order of the Comtee GEORGE LEONARD.

Read and accepted and

*Ordered* That the said Scheme be and hereby is allow'd accordingly. [*Passed April 16.*[1]

# CHAPTER 443.

VOTE IN REGARD TO PREVENTING THE DESTRUCTION OF FISH IN MERRIMACK RIVER.

WHEREAS it is apprehended of great Importance to prevent ye destruction of fish as they pass up the Rivers to their Natural Ponds to Cast their Spawn, for which End several Laws now in force have been passed by this Governmt And the Inhabitants situated near the River Merrimack who live in the Governmt of New Hampshire are under no restraint as to their Catching fish therein, which may prove of public Damage; Therefore

Legislative Records of the Council, xxi., 163. Mass. Archives, lxxxvii., 430.

House Journal, pp. 463, 464.

*Voted* That the Commander in Chief of this Province be desired to write to the Government of New hampshire, moving them to take the same or other effectual Measures to prevent their Inhabitants from destroying the fish as they pass up the sd River Merrimack. [*Passed April 16.*[2]

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 15.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 15.

## CHAPTER 444.

RESOLVE IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK TO DISTRIBUTE AN INSOLVENT ESTATE.

Legislative Records of the Council, xxi., 165. Mass. Archives, xix., 393.

Mass. Archives, xix., 391. House Journal, pp. 342, 470.

A PETITION of Thomas James Grutchy of Boston Merch$^{t}$ shewing that he was appointed Executor of the last Will & Testament of Edward Dumaresque jun$^{r}$ of Boston Merch$^{t}$ dec$^{d}$ and as such represented his Estate insolvent whereupon Commissioners were appointed by the Judge of Probate to receive y$^{e}$ Creditors Claims, and return thereof by them made to the said Judge, since which he finds upon setling his Acco$^{ts}$ a considerable Debt due from said Estate to himself which he was intirely ignorant of before, Praying that this Court would impower the same or other Commissioners to receive his said Claim & report thereupon.

[Read and]

*Resolved* that y$^{e}$ s$^{d}$ Judge of Probate be enabled to commit y$^{e}$ s$^{d}$ Demand to y$^{e}$ afores$^{d}$ Commissioners, and they impowr'd to examine it and report thereon, and y$^{t}$ the s$^{d}$ Judge be authoriz'd if needfull to distribute y$^{e}$ s$^{d}$ Estate amongst y$^{e}$ Crediters accordingly. [*Passed April 16.*

## CHAPTER 445.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 166.

Mass. Archives, lxxv., 86, 205, 223, 224, 226, 321, 324, 325, 326, 334, 335, 336, 339, 374, 375, 376, 377, 377$^{a}$, 378, 386, 387, 396, 399, 401, 403, 404, 428, 443, 444, 446. House Journal, pp. 458, 459.

*Ordered* that there be allowed & paid out of the publick Treasury to Josiah Dwight Esq$^{r}$ for the Use of Samuel Warner, fifteen Shillings & four pence, for the Use of Daniel Chandler One Pound fifteen Shillings and eight pence, for the Use of Daniel Burt, One Pound eleven shilings; for the Use of Ebenezer Morgan, Five Pounds eighteen shillings and two pence, for the Use of Aaron Alvord, One Pound seventeen Shillings & nine pence, for the Use of Henry Badger, Five Pounds three Shillings & two pence, for the Use of Paul Langdon One Pound & six pence And for the Use of Stephen Parsons Five Pounds twelve Shillings, To M$^{r}$ Francis Whipple for the Use of Jonathan Cook Two Pounds; for the Use of Eleazer Rice Two Pounds & eight pence, and for the Use of Jonathan Livermore Three Pounds eleven Shillings and six pence, to Daniel Epes jun$^{r}$ Esq$^{r}$ for the Use of Isaac Reed, Four Pounds two Shillings & ten pence; to M$^{r}$ Simon Hunt for the Use of John Baker Four Pounds, for the Use of Samuel Brewer Two Pounds Six Shillings & eight pence, and for the Use of Samuel Wheeler Two Pounds ten Shillings: To M$^{r}$ Joshua Fry for the Use of Israel Adams Two Pounds eight Shillings; To Cap$^{t}$ John Fry Three Pounds four Shillings & eight pence, To Samuel Grant Five Pounds nine Shillings; To Joseph Trail, Three Pounds ten Shillings, To Abraham Barns three Pounds ten Shillings, To Nathaniel Low, One Pound ten Shillings; To Amos Gates Two Pounds thirteen Shillings & seven pence, To Abraham Houghton One Pound nineteen Shillings, and to Isaac Temple Four Pounds seven Shillings & four pence, In full Consideration of the Expences mentioned in their several Petitions herewith exhibited. [*Passed April 16.*

## CHAPTER 446.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF MIDDLESEX AND ALLOWING £2. 15. 6 FOR THE EXPENSE THEREOF.

The Committee for letting out to farm the Excise on Spirituous Liquors for the County of Middesex reported that they had let out the same to Braddyal Smith of Weston for the Sum of £811.4.8 [1] for which they have taken Bond of him with Sureties which they have lodged in the Treasury, the Committees Time & Expence amounting to £2.15.6.

Read and

*Ordered* That this report be Accepted; And That there be allowed & paid out of y^e^ public Treasury to the s^d^ Committee the Sum of Two pounds fifteen Shillings & six pence in Discharge of their Acc^o^ of Time & Expences exhibited. [*Passed April 16.*

Legislative Records of the Council, xxi., 166. Mass. Archives, cxx., 90.

Mass. Archives, cxx., 90. House Journal, p. 466. Province Laws, iii., 957, note. *Ante*, p. 458, chap. 326.

## CHAPTER 447.

RESOLVE IN REGARD TO THE BOUNTY FOR MEN ENLISTING.

*Resolved* that every Person who shall inlist on the twenty second of this Instant April into his Majestys Service in the intended Expedition against Crown Point shall be intitled to the same Bounty, as if he had inlisted before the said Day; And that no Person impressed on the said day shall be intitled to said Bounty though afterwards they should inlist. [*Passed April 16.*

Legislative Records of the Council, xxi., 167.

Mass. Archives, lxxv., 506, 507. House Journal, p. 471. Province Laws, iii., 1024, chap. 23.

## CHAPTER 448.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, &c FOR THE COUNTY OF ESSEX AND ALLOWING 40/ FOR THE EXPENSE THEREOF.

The Committee for letting out to farm the Excise on Coffee, Tea &c^a^ for the County of Essex reported that they had let out the same to Cp^t^ Peter Fry for the Sum of £32.10, & had taken Bond of him with Sureties, which they had lodged in the Treasury, the Committees Time & Expence amount^s^ to 40/.

Read &

*Ordered* That this Report be Accepted, & That there be allowed & paid out of y^e^ public Treasury to the s^d^ Com^tee^ y^e^ sum of forty shill^s^ in Discharge of their Acc^t^ of Time & Expences exhibited. [*Passed April 16.*

Legislative Records of the Council, xxi., 167. Mass. Archives, cxx., 92.

Mass. Archives, cxx., 91. House Journal, p. 466. *Ante*, p. 457, chap. 325.

[1] Mass. Archives, cxx., 90, reads, £811. 14. 8.

## CHAPTER 449.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF SUFFOLK AND ALLOWING £5. 8 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 168. Mass. Archives, cxx., 94.

THE COMMITTEE for letting out to farm the Excise on Strong Liquors in the County of Suffolk reported that they had let out the same to William Coffin for the Sum of £3,215 & had taken his Bond with Sureties & lodged it in the Treasury, the Committees Time & Expence amount$^{g}$ to y$^{e}$ sum of £5.8.

Mass. Archives, cxx., 93. House Journal, p. 466. *Ante*, p. 457, chap. 324.

Read And

*Ordered* That this report be Accepted, And That there be allow'd & paid out of y$^{e}$ public Treasury the sum of five pounds eight Shillings to y$^{e}$ s$^{d}$ Com$^{tee}$ in Discharge of their Acco$^{t}$ of Time and Expences herewith exhibited. [*Passed April 16.*

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## CHAPTER 450.

VOTE ON PETITION OF HAN$^{H}$ ALLEN, ADM$^{X}$, IN REGARD TO AN ESTATE.

Legislative Records of the Council, xxi., 168.

A PETITION of Hannah Allen Widow of Samuel Allen of New Marlborô dec$^{d}$ shewing that her said Husband in his Life time purchased a Tract of Land in said Place of Jabez Ward Esq$^{r}$ and left more than half the Price agreed for unpaid at his Death; And Whereas it will be much to the Disadvantage of the Land to sell a Part only, Therefore Praying that She may be impowered to compound with the said M$^{r}$ Ward, & sell so much Land as will be necessary.

Mass. Archives, xix., 378–380. House Journal, pp. 443, 444, 450, 475. Province Laws, ii., 151, chap. 10.

Read, and

*Voted* that the Prayer of the within Petition be so far granted as that the Pet$^{r}$ in her Capacity of Administratrix on the Estate of her dec$^{d}$ Husband be & hereby is impowered with the Advice & Assistance of M$^{r}$ John Miller of Northampton to compound and agree with the within named Jabez Ward for such part of said Tract of Land as may be sufficient to discharge the Debt within mentioned due to said Ward from said Estate, and upon such Composition to execute a good Deed or Deeds thereof, and if the said Administ$^{x}$ by & with the Advice & Assistance of the said John Miller cannot compound & agree with the said Ward as aforesaid, that then and in such Case the said Administ$^{x}$ be & hereby is impowered to make Sale of the whole of said Tract of Land to any other Person & to execute a good & sufficient Deed or Deeds thereof, She observing the Rules of the Law respecting the Sale of Land by Executors and Administ$^{rs}$ giving Security to account with the Judge of Probate of the County of Hampshire for the Proceeds thereof. [*Passed April 16.*

## CHAPTER 451.

ORDER ALLOWING 22/2 TO PHILIP SERGEANT.

A PETITION of Philip Sergeant shewing that he inlisted & officiated as a Drummer in Col° Bagley's Regiment in the late Expedition against Crown Point, that his Wages were carried out in the Muster Roll only as a private Centinel, Praying that they may be made up to Drummers Pay.

Read and

*Ordered*, That there be allowed and paid out of the Public Treasury the sum of Twenty two shillings & two pence, being y^e^ difference between y^e^ wages of a Common Centinel & a Drummer for the Time mentioned. [*Passed April 16.*

Legislative Records of the Council, xxi., 169. Mass. Archives, lxxv., 501.

Mass. Archives, lxxv., 501. House Journal, p. 477.

## CHAPTER 452.

ORDER ALLOWING £10 TO JOHN COOK.

A PETITION of John Cook shewing that althô he inlisted in the Service against against[1] Crown Point, as a Soldier, yet he was employed as a Surgeons Mate, which Business he discharged with great Labour & Faithfulness, Praying for some proper Allowance for the same.

Read and

*Ordered* That there be allowed & paid out of the public Treasury to the Petitioner the Sum of Ten pounds in Consideration of his Services mentioned. [*Passed April 16.*

Legislative Records of the Council, xxi., 169. Mass. Archives, lxxv., 502.

Mass. Archives, lxxv., 502. House Journal, pp. 445, 464.

## CHAPTER 453.

ORDER ALLOWING £5. 7. 5 TO HENRY WOODS.

A PETITION of Henry Wood a Soldier in the late Expedition upon Kennebeck River, Praying for an Allowance from this Court for his Pain, Expence & Loss of Time by means of Sickness contracted in that Service.

Read &

*Ordered* That there be allowed & paid out of the Public Treasury to the Pet^r^ the sum of Five pounds seven Shillings & five pence in Consideration of his Sufferings & expences mentioned. [*Passed April 16.*

Legislative Records of the Council, xxi., 169. Mass. Archives, lxxv., 385.

Mass. Archives, lxxv., 385. House Journal, pp. 418, 467, 473.

[1] *Sic.*

## CHAPTER 454.

ORDER IMPOWERING SAM$^{L}$ WELLES, JUN., TO EXPORT PROVISIONS TO SURINAM.

Legislative Records of the Council, xxi., 169. Mass. Archives, lxv., 203.

A PETITION of Samuel Welles jun$^{r}$ of Boston Merch$^{t}$ shewing that he hath a Schooner now loading for Surranam, Praying that he may be permitted to send thither in said Vessel about One hundred Barrels of Provisions, He giving Bond at the Impost Office as usual.

Mass. Archives, lxv., 202. House Journal, p. 465. Province Laws, iii., 866, chap. 7; 954, note. *Ante*, p. 270, chap. 261.

Read and

*Ordered*, That the prayer of this Petition be granted; And that the Petitioner be Allowed to Ship the provisions mentioned on board y$^{e}$ Schooner Neptune Thomas Harding Master, And y$^{t}$ the Commissioner of Impost be and hereby is impowered & directed to take bond of One thousand pounds sterl$^{g}$ for landing the same at the Port of Surrinam; And That the chief Officer of said Vessel on his return make oath that the said provisions have been Actually landed there, & thereupon that the Said Bond be Cancelled. [*Passed April 16.*

## CHAPTER 455.

ORDER ALLOWING 25/6 TO ZERUBBABEL SNOW.

House Journal, p. 461. Mass. Archives, lxxv., 354.

A PETITION of *Zerubbabel Snow* of *Woburn*, in the County of *Middlesex*, a Soldier in the late *Crown-Point* Expedition, setting forth, that by some Mistake he was not made up in the Muster-Roll for the whole Time he was in the Service; and praying that an Allowance may be made him for the said Deficiency.

Mass. Archives, lxxv., 352. House Journal, pp. 461, 473, 474.

Read And

*Ordered*, That there be allowed & paid out of the public Treasury to the Pet$^{r}$ the sum of twenty five shills$^{s}$ & six pence in full Consideration of his Services Mentioned. [*Passed April 16.*

## CHAPTER 456.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PET$^{N}$ OF FRANCIS COGSWEL, ESQ$^{R}$, TO RECTIFY A MISTAKE.

Legislative Records of the Council, xxi., 58. Mass. Archives, xliv., 237.

A PETITION of Francis Cogswel of Ipswich Esq$^{r}$ shewing that there was a Cause between him & Benjamin Hodgskins depending in the Superiour Court of Judicature for the County of Essex held in June last, which they referred to a Rule of Court, and the Referrees made their Return thereon to the Court, & the same was accepted by the Court, & Judgment made up accordingly; Now for as much as there was a Manifest Mistake in the Computation, as is Certified by all the Referrees; therefore Praying that there be a new Trial or a new Committment of the said Affair to s$^{d}$ Referees.

Mass. Archives, xliv., 236. Legislative Records of the Council, xxi., 174. House Journal, pp. 278, 279, 281, 473.

Read and in Answer to this Pet$^{n}$

*Ordered* that the Referrees within named be and they are hereby impowered to reconsider the Affair within mentioned & rectify any Mistake they may find in their former Report and that they make

Return of their Doings at the Next superiour Court of Judicature to be holden within and for y^e^ County of Essex and that the Justices of the said Court then receive such Report and enter up Judgment and award Execution thereon according to Law and that Execution on the former Judgement if any such hath Issued be Staid in the mean time. [*Passed April 16.*[1]

## CHAPTER 457.

ORDER ALLOWING £160 TO THE COMMISSIONER OF STAMP DUTIES.

Legislative Records of the Council, xxi., 167. Mass. Archives, ciii., 428.

House Journal, pp. 461, 462, 477, 478. Province Laws, iii., 867, chap. 8; 945, note.

*Ordered*,

That there be allowed and paid out of the Public Treasury to M^r^ James Russell Commiss^r^ of the Stamp Duties, the Sum of One hundred & Sixty Pounds, in Consideration of his Services in said Trust for the Year past. [*Passed April 17.*[2]

## CHAPTER 458.

VOTE ALLOWING £300 TO COMMISSARY MOSES EMERSON.

Legislative Records of the Council, xxi., 170. Mass. Archives, lxxv., 500.

House Journal, pp. 468, 478. *Ante*, p. 363, chap. 88.

*Voted*, That there be allowed to be paid out of the public Treasury to M^r^ Moses Emerson Commissary appointed, to reside at Albany, the Sum of three hundred pounds, he to be Accountable. [*Passed April 17.*

## CHAPTER 459.

VOTE ALLOWING BOUNTY TO SOLDIERS FURNISHING THEIR OWN ARMS.

Legislative Records of the Council, xxi., 170. Mass. Archives, lxxv., 511.

House Journal, p. 481. *Post*, p. 514, chap. 461.

WHEREAS it is probable there will not be a sufficient Number of Arms to furnish the Forces of this Province now raising for the intended Expedition against Crown-Point Which Can be supplied from the Province Stock, together with this Province's proportion of the Arms sent by his Majesty for the use of y^e^ Several Governm^ts^ y^r^ fore

*Voted*, That there be allowed Two Dollars to each Soldier (for whom Arms shall not be provided) who shall find His own Gun, for the s^d^ service, to be paid at the Time they shall receive their Wages. [*Passed April 17.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 19.

[2] This date is according to Mass. Archives · according to Legislative Records of the Council the date is April 16.

## CHAPTER 460.

ORDER DIRECTING THE GUARDIANS OF THE PUNCAPAUG INDIANS TO PAY £24. 18. 8 WITH INTEREST TO NELSON FINNEY.

Legislative Records of the Council, xxi., 170. Mass. Archives, xxxii., 707.

A PETITION of Nelson Finney shewing that by Order of the Gen[l] Court he was to receive of Samuel Miller Esq[r] late Guardian of the Puncapaug Indians £24.18.8 to discharge the Pet[rs] Account of the Expence of the Sickness of Mathias George an Indian of that Tribe, but he has not been able to obtain the Money from Col[o] Miller, Praying for Releif.

Mass. Archives, xxxii., 706. House Journal, pp. 465, 466, 478, 479. *Ante*, p. 238, chap. 171; p. 241, chap. 182; p. 287, chap. 302; p. 333, chap. 20.

Read and

*Ordered*, That there be paid to the Petitioner By Robert Spurr Esq[r] & others Guardians of the Punkapaug Indians, when the Money shall Come into their Hands the Sum of Twenty four Pounds Eighteen Shillings & eight pence being what is due of the former Grant mentioned, Together w[th] thirty Shilings in full for Interest for the time past. [*Passed April 17.*

## CHAPTER 461.

VOTE IMPOWERING THE COMMISSARY GENERAL TO RECEIVE THE KINGS ARMS THIS GOVERNMENT GIVING SECURITY FOR THE SAME.

Legislative Records of the Council, xxi., 171. Mass. Archives, lxxv., 512.

WHEREAS his Majesty has been graciously pleased to order ten thousand Stands of Arms to be employed for the Service of his Colonies as from time to time there shall be occasion, and it is required that each Colony to which any of those arms shall be delivered give Security to return them to the Officer his Majesty has been pleased to appoint except in case of their being lost in Battle or taken or destroyed by the Enemy: and it being necessary that some persons should be appointed to receive the proportion of said Arms which may be allotted for this Government

House Journal, pp. 475, 476, 480, 481.

*Voted* that the Commissary General of this Province be and hereby is appointed to receive the same and that this Government will stand Security for returning to the officer, his majesty has been pleased to appoint as aforesaid any number of said Arms which may be delivered to the said Commissary except in case of their being lost in Battle or taken or destroyed by the Enemy: and that the said Commissary be empowered to indent accordingly. [*Passed April 17.*

## CHAPTER 462.

ORDER ALLOWING £8 TO TIM[o] CLEMENTS.

Legislative Records of the Council, xxi., 171. Mass. Archives, lxxv., 423.

A PETITION of Timothy Clements shewing that he proceeded on the Expedition against Crown Point, that his Field Officers perswaded him to act in the Business of a Surveyor, and to carry some surveying Instruments with him, that he surveyed the Country where the Army went, & drew a Plan of the Lakes and other Places, for

Mass. Archives,

which he has had no Consideration, Pray[g] for some proper Allowance from this Court. lxxv., 422. House Journal, pp. 431, 432, 480.

Read and

*Ordered*, That there be allowed and paid out of y[e] public Treasury the Sum of Eight pounds in full Consideration of his Services me[n]tioned. [*Passed April 17.*

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## CHAPTER 463.

VOTE ESTABLISHING WAGES OF A SECOND LIEU[T] COL[O] IN COL[O] GRIDLEYS REGIMENT.

Legislative Records of the Council, xxi., 171. Mass. Archives, cix., 277.

*Voted*, That the same Establishment of Wages be made for a Second Lieutenant Col[o] in Col[o] Gridleys Regiment as is already made for Lieutenant Colonels In the Army now raising for the intended Expedition against Crown-Point. [*Passed April 17.*

Mass. Archives, cix., 276. House Journal, pp. 478, 480. *Ante*, p. 454, chap. 316.

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## CHAPTER 464.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Ordered* that there be allowed & paid out of the public Treasury to Benjamin Read Esq[r] for the Use of John Muzzy the Sum of Two Pounds seventeen Shillings & six pence, To Thomas Johnson Eight Pounds fifteen Shillings and one penny, To Jason Walker Two Pounds; To Nathaniel Searl Two Pounds four Shillings, To Benjamin Johnson One Pound fourteen Shillings, To Eleazer Warner Two Pounds six Shillings; To Ezra Leonard Seven Pounds six Shillings, To John Murray Esq[r] for the Use of Benjamin Willard, Three Pounds ten Shillings; and to Edward Harrington Two Pounds in full Consideration of the Expences &c[a] in their several Petitions mentioned. [*Passed April 17.*

Legislative Records of the Council, xxi., 171.

Mass. Archives, lxxv., 206, 225, 389, 390, 391, 426, 452, 462. House Journal, pp. 394, 467, 468, 472.

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## CHAPTER 465.

ORDER ALLOWING 40/ TO JOHN CALEF AND £8 TO JEREMIAH HALL.

A Petition of John Calef & Jeremiah Hall Surgeons in the late Army intended against Crown Point, setting forth their extraordinary Services in administring to the sick of said Army returned to Albany, Praying for some proper Allowance for the same.

Legislative Records of the Council, xxi., 173. Mass. Archives, lxxv., 509.

Read and

*Ordered*, That there be Allowed & paid out of the public Treasury to John Calef the Sum of forty Shillings, and to Jeremiah Hall the sum of Eight Pounds in full Consideration of their Services mentioned. [*Passed April 19.*

Mass. Archives, lxxv., 510. House Journal, pp. 395, 485.

## CHAPTER 466.

ORDER ALLOWING 40/ TO JOHN PEACOCK.

Legislative Records of the Council, xxi., 174. Mass. Archives, lxxv., 449.

A PETITION of John Peacock setting forth his Services & Losses as a Pioneer in the late Expedition against Crown Point, and his former Services in that Business, and praying for some proper Allowance from this Court.

Read and

Mass. Archives, lxxv., 448. House Journal, pp. 450, 483.

*Ordered*, That there be allowed and paid out of the public Treasury the sum of forty Shillings to the Petr in Consideration of his extraordinary Services Mentioned. [*Passed April 19.*

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## CHAPTER 467.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK TO APPOINT GUARDIANS TO CERTAIN MINORS.

Legislative Records of the Council, xxi., 173. Mass. Archives, xix., 384.

A PETITION of John Bradley Administrator on the Estate of his Father Nathan Bradley late of Dorchester decd shewing that he is impeded in his Administration by Reason of some of the Heirs (being Minors above the Age of Fourteen) refusing to chuse Guardians the Law providing in that Case being expired, Praying for some Releif from this Court

Mass. Archives, xix., 383. House Journal, pp. 416, 483, 485. Province Laws, iii., 426, chap. 12.

Read and

*Ordered*, That the Judge of Probate for the County of Suffolk be and hereby is fully Authorized & impowered to appoint Guardians to said Minors who are some of ye Heirs of the Estate of the within named Nathan Bradly the Act impowering him to appoint Guardians being expired Notwithstanding. [*Passed April 19.*

---

## CHAPTER 468.

ORDER REFERRING THE PETN OF THE INHABTS OF DISTRICT OF CHARLTON & THE GORE ADJACENT TO BE UNITED INTO ONE DISTRICT.

Legislative Records of the Council, xxi., 84. Mass. Archives, cxvii., 78.

A PETITION of John Stevens, Jonathan Wheelock & others, Inhabitants of the District of Charleton & of the Tract of Land called the Gore adjacent thereunto, setting forth the smallness of the said Plantations & their Inability to maintain the Ministry among them seperately, Therefore Praying that they may be united into one Town or District by Bounds therein mentioned:

Mass. Archives, cxvii., 77. Legislative Records of the Council, xxi., 177. House Journal, pp. 328, 486.

Read togather with Answer of Sundry persons of ye Gore & also of ye District of Charlton and

*Ordered* that this petition be referred to the Second Wednesday of the next May Sessions for further Consideration. [*Passed April 19.*[1]

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 20.

## CHAPTER 469.

ORDER THAT THE SEVERAL COMMISSARIES OF THE CROWN POINT EXPEDITION MAKE OATH AS TO THE SPECIFIC DELIVERY OF PROVISIONS IN THEIR CHARGE.

*Ordered* that the several Commissaries in the intended Expedition shall be held when they render their respective Accounts to make Oath that all the provisions charged in said Accounts have bonâ fide been delivered in specie for the use of the particular Soldiers for which they are charged, except where any special agreement shall have been made with any Soldiers for their back allowance or what they may receive short of any one or more species, & in every such case a receipt shall be produced from every such soldier & such back allowance or deficiency shall therein be particularly specified. [*Passed April 20.*

Legislative Records of the Council, xxi., 174. Mass. Archives, lxxv., 521.

House Journal, p. 490.

## CHAPTER 470.

ORDER IN REGARD TO SURGEONS IN THE PROPOSED EXPEDITION AGAINST CROWN-POINT.

*Ordered*, That the several Chirurgeons in the Intended Expedition against Crown-Point be under Oath for their faithfull Application of the Medicines, And that they be Accountable for the Instruments, which shall be Committed to their Care & for the medicines that shall remain upon the expeditions being over. [*Passed April 20.*

Legislative Records of the Council, xxi., 175. Mass. Archives, lxxv., 529.

House Journal, pp. 488, 489. *Post*, p. 521, chap. 480.

## CHAPTER 471.

VOTE TO ENLIST TEN OF THE INHABITANTS OF PIERSON & HOBBS TOWN IN THE SERVICE.

A Petition of the Inhabitants of a Plantation in the County of York called Pierson & Hobbs's Town, setting forth their Exposedness to the Indian Enemy and Innability to defend themselves, praying for Succour from this Governm$^{t}$

Read and

*Voted*, That there be ten of the Inhabitants of s$^{d}$ Township that have families there, put into pay & Subsistence of the Province one of whom to be a Serjeant; and That his Excell$^{y}$ the Cap$^{t}$ Gen$^{l}$ be desired to give Directions accordingly. [*Passed April 20.*

Legislative Records of the Council, xxi., 175. Mass. Archives, lxxv., 514.

Mass. Archives, lxxv., 514.

House Journal, pp. 456, 486.

## CHAPTER 472.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PETITION OF JOSEPH MITCHEL IN REGARD TO CHILDREN OF FRENCHMEN AT MARSHFIELD.

Legislative Records of the Council, xxi., 175. Mass. Archives, xxiii., 56.

A PETITION of Joseph Mitchel one of the French Inhabitants of Nova Scotia now residing with his Family at Marshfield, complaining against John Little Esq[r] and Seth Bryant Select Men of said Town for using himself and Family very ill, praying for Releif from this Court.

Mass. Archives, xxiii., 51–57. Legislative Records of the Council, xxi., 175. House Journal, pp. 487, 490. Province Laws, iii., 959, 960, notes.

The Committee appointed to take under Consideration the Petition of Joseph Mitchel are unable to make Inquiry into the Truth of the Facts mentioned before the Dissolution of the Court by Reason of the Distance of Place where they are alledged to have been done, and therefore they are of Opinion that the Consideration of the Petition be refer'd to the next Session of the Court, The Committee are further humbly of Opinion that the Consideration of the Petition be referred to the next Session of the Court, the Com[tee] are further humbly of Opinion that it would be acting very different from the Intention of the Legislature, if any of the Select men of the Province, should cause any of the Children of the French from Nova Scotia to be disposed of for any Sum of Money or other Consideration except for the immediate Use and Bennefit of such Child or Children, and that where any Child or Children are able and willing to surport themselves, or where their Parents or Friends will undertake for their Support such Child or Children ought not to be seperated from their Parents or Friends, and that the Select Men should as far as may be consult the Inclination of the Parents and Children in the Service for which any Children may be disposed of. THO[S] HUTCHINSON per Order.

Read & accepted &

*Ordered* that the Select men of the several Towns where any French are placed govern themselves accordingly. [*Passed April 20.*

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## CHAPTER 473

ORDER IMPOWERING TIM[O] FITCH TO EXPORT PROVISIONS TO BAY OF HONDURAS.

Legislative Records of the Council, xxi., 176. Mass. Archives, lxv., 225.

A PETITION of Timothy Fitch of Boston Merch[t] shewing that he is fitting out the Schooner Peggy Thomas Farral Master for a Voyage to the Bay of Honduras, praying that he may be permitted to ship upon her a Quantity of Provisions particularly mentioned, for the Use of the English there.

Mass. Archives, lxv., 224. House Journal, p. 485. Province Laws, iii., 866, chap. 7; 954, note. *Ante*, p. 270, chap. 261.

Read and

*Ordered* That the Prayer of this Pet[n] be so far granted, as that the Pet[r] be Allowed to ship the Provisions mentioned on board the Schooner Peggy Thomas Farrel Master for the Bay of Honduras; And That the Commissioner of Impost be & hereby is impowered & directed to take Bonds of one thousand pounds Sterl[g] of the Petitioner for Landing the same at the s[d] Bay; And That the Chief Commanding Officer of s[d] Vessel at his return make Oath That the said provisions were landed there; And that on his taking the said Oath, the said Bonds be Cancelled. [*Passed April 20.*

## CHAPTER 474.

ORDER ALLOWING £1. 4 TO RACHEL HOW.

A Petition of Rachel How Widow of Abijah How of Glocester dec[d] a Soldier in the late Expedition, shewing that he left no Estate except his Wages, praying that she may be enabled to receive them without Charge of Administration, & also that she may be paid for his Gun lost in the Service.

Legislative Records of the Council, xxi., 176. Mass. Archives, lxxv., 294.

House Journal, pp. 427, 477.

Read and

*Ordered*, That there be allowed & paid out of the public Treasury to the Petitioner the Sum of twenty four Shillings in full Consideration of the Gun lost as here in mentioned. [*Passed April 20.*

---

## CHAPTER 475.

ORDER ALLOWING £3. 8. 8 TO JOHN ROOK.

A Petition of John Rook a Soldier in soldier in [1] the late Expedition shewing that he was taken sick while he was in the Service praying that he may be allowed the Expences mentioned occasioned by said Sickness.

Legislative Records of the Council, xxi., 176. Mass. Archives, lxxv., 350.

House Journal, p. 489.

Read and

*Ordered*, That there be allowed to the Petitioner & paid for his use to M[r] Samuel Reed y[e] Sum of three pounds eight Shill[s] & eight pence in full Consideration of his Expences including the Doctors Bill mentioned. [*Passed April 20.*

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## CHAPTER 476.

VOTE ALLOWING £6 PER MONTH TO CAPT. DAVID MASON.

A Petition of David Mason shewing that M[r] Eyre Chief Commander of the Train of Artillery in the Army at Lake George having left that Service, the Pet[r] was by the General with the Advice of the principal Officers commissionated to succeed him in said Trust praying that he may be allowed such Pay as may be judged proper for that Trust.

Legislative Records of the Council, xxi., 176. Mass. Archives, lxxv., 523.

Mass. Archives, lxxv., 522.

House Journal, pp. 482, 484, 485.

Read and

*Voted*, That it is the opinion of this Court y[t] there ought to be Allowed to Cap[t] David Mason by the several Governm[ts] Concerned in the late Crown-Point Expedition six pounds ℔ month as Commander of the Train of Artillery at Fort William Henry from the Tenth of Nov[r] 1755 to the thirteenth of April Instant, And y[t] the said Sum be advanced by this Gov[t] & which the Treasurer is hereby directed to pay him Accordingly, the said Mason repaying to the Treasurer the sum of three pounds four shillings being One months pay he is made up in the Muster Rolls of Col° Brown's Regiment as Commissary longer than he ought to have been. [*Passed April 20.*

[1] *Sic.*

## CHAPTER 477.

ORDER IMPOWERING ABRAHAM COLBURN TO ENTER A COMPLAINT.

Legislative Records of the Council, xxi., 177.

House Journal, pp. 471, 475.

A PETITION of Abraham Colburn of Dracut shewing that he obtained Judgment[1] at the Inferiour Court of Common Pleas for the County of Middlesex in January last; from which the said Blood appealed to the then next Superiour Court for said County and failed of prosecuting his Appeal and the Pet$^{r}$ forgot to give in his Complaint at that Term and praying that he may be impowered to offer it at the next Term in said County.

Read &

*Ordered* that the Prayer of this Petition be so far granted, as that the Petitioner be & hereby is enabled to enter his Complaint at the Superiour Court of Judicature to be held by Adjournment at Boston on the third Tuesday of April Currant, And the said Court are hereby impowered to hear said Complaint affirm the Judgment and award Execution thereon to all Intents and Purposes as well as if said Complaint had been entered at the Court where the said Appeal was entered, and the Appellant was Non Suit. [*Passed April 20.*

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## CHAPTER 478.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 177.

Mass. Archives, lxxv., 355, 356, 357, 397, 417, 430, 447, 450. House Journal, p. 486.

*Ordered* that there be allowed & paid out of the public Treasury to Joseph Heath the Sum of Four Pounds & to Benjamin Wood Two Pounds thirteen Shillings and four pence in Consideration of their Sufferings and Expences mentioned; Also to Jonathan Peirce Fifteen Shillings and sixpence in full of his Wages to the 13$^{th}$ day of December last; To Daniel Cadwell Ten Shillings and eight pence in full for his Blanket lost, to James White One Pound three Shillings & five pence; To M$^{r}$ David Wilder for the Use of Seth Baker Four Pounds, and for the Use of James Thompson Twelve Shillings and one penny, and to Nathaniel Russel Esq$^{r}$ for the Use of Micah Davis Four Pounds ten Shillings, For the Use of [*Nath. Whitcombe*][2] Twenty Shillings for the Use of Stephen Randall Three Pounds three Shillings, and for the Use of Nathaniel Whiting jun$^{r}$ One Pound twelve Shillings and five pence in full Consideration of their Expences in their Petitions mentioned. [*Passed April 20.*

[1] The House Journal, p. 471, reads, "against one *John Blood.*"

[2] Inserted from the House Journal, p. 486, which also states the amount as "21*s*," instead of twenty shillings. Mass. Archives, lxxv., 355, also gives this amount as paid.

## CHAPTER 479.

ORDER ALLOWING £6. 16. 8 TO CHRISTOPHER FORBUSH.

A PETITION of Christopher Forbush a Soldier in the late Expedition upon Kennebeck River, shewing that within a Week after his Dismission from that Service he was seized with a violent Sickness, which has put him to great Expence, praying that it may be paid out of the public Treas^y^

Read and

*Ordered* That there be allowed and paid out of the public Treasury to the Petitioner the sum of Six pounds Sixteen Shillings and eight pence, in full discharge of his Acco^t^ exhibited. [*Passed April 20.*

Legislative Records of the Council, xxi., 178. Mass. Archives, lxxv., 516.

Mass. Archives, lxxv., 516. House Journal, pp. 468, 485.

## CHAPTER 480.

RESOLVE APPOINTING DR CHARLES PYNCHON AS CHIEF CHIRURGEON OF TWO REGIMENTS OF THE PROPOSED CROWN POINT EXPEDITION.

In the House of Represent^s^

*Resolved*, That it is the Opinion of this House, That it would be of Advantage to the Proposed Expedition Against Crown-Point, That D^r^ Charles Pynchon should act as chief Chirurgeon to y^e^ Regim^ts^ of Col Dwight & Col^o^ Ruggles, Provided That he have three Chirurgeons Mates, and pay one of them Out of his pay as Chief Chrurgeon to One of Said Regiments: And That his Excellency be desired to Commissionate him Accordingly.

In Council Read and Concurr'd. [*Passed April 20.*

Mass. Archives, lxxv., 528.

House Journal, pp. 486, 488, 489.

## CHAPTER 481.

ORDER ALLOWING £800 TO THE COM^TEE^ OF WAR FOR THE LATE CROWN P^T^ EXPED^N^.

*Ordered*, That there be allowed and paid out of the Public Treasury the Sum of Eight hundred Pounds To the Committee of War appointed for the late Crown-Point Expedition to be divided among them in proportion to the days they have severally Attended that Service agreeable to the Schedule annexed, The said Committee first paying a reasonable Sum to the Hon^ble^ Thomas Hutchinson Esq^r^ for his Trouble in preparing the Acco^ts^ of the said Expedition in Order to their being transmitted to Great Britain, and Also a reasonable allowance to their Clerk for his Services, untill the last Committee of War was chosen; being in full Consideration of their diligent & faithful discharge of their said Trust. [*Passed April 21.*[1]

Legislative Records of the Council, xxi., 171. Mass. Archives, lxxv., 533.

Mass. Archives, lxxv., 534. House Journal, pp. 468, 470, 478, 484, 487. *Ante*, p. 296, chap. 325; p. 443, chap. 282.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 17.

## CHAPTER 482.

VOTE ESTABLISHING THE WAGES OF AN ADJUTANT GENERAL AND QUARTER MASTER GEN$^{L}$.

Legislative Records of the Council, xxi., 179. Mass. Archives, lxxv., 532.

House Journal, pp. 446, 457, 492. *Ante*, p. 503, chap. 434.

In the House of Represent$^{s}$

*Voted*, That it is the Opinion of this House y$^{t}$ The Wages of an Adjutant-Gen$^{l}$ & a Quarter Master Gen$^{l}$ in the Army now raising for the intended Expedition against Crown-Point be for each, Ten Pounds ℔ month, And y$^{t}$ this Governm$^{t}$ pay their proportionable part thereof with the other Governm$^{ts}$ Concerned in s$^{d}$ Expedition, The Vote of this House of y$^{e}$ 13$^{th}$ Inst$^{t}$ Of an Establishm$^{t}$ of Wages for s$^{d}$ Officers notwithstanding.

In Council; Read & Concur'd. [*Passed April 21.*

## CHAPTER 483.

ORDER ALLOWING £100 TO M$^{R}$ TREAS$^{R}$ GRAY.

Legislative Records of the Council, xxi., 179. House Journal, p. 484. Mass. Archives, ciii., 432.

House Journal, pp. 460, 475, 490.

A MEMORIAL of *Harrison Gray*, Esq; Treasurer of the Province, setting forth the great Fatique and Trouble he has been at, in hiring large Sums of Money of sundry Persons, for the Use of the Government, and in paying off the Officers and Soldiers Wages for the late *Crown-Point* Expedition, the several Grants to sick and wounded Soldiers, and Taverners and others Accounts of Entertainment afforded them, for which Service he has been obliged to hire a Clerk extraordinary; and praying such an Allowance for his Trouble and Expence therein, as shall be judged reasonable.

*Ordered*, That there be allowed to the Province Treasurer Harrison Gray Esq$^{r}$ The Sum of One Hundred Pounds in Consideration of his Extraordinary Services in paying off the Officers & Sold$^{rs}$ employed In the late Crown-Point Expedition, And That the Said Sum be put into the Acco$^{ts}$ of S$^{d}$ Expedition prepared to be transmitted to great Britain. [*Passed April 21.*

# RESOLVES, ORDERS, VOTES, ETC.

## PASSED 1756–57.

# LEGISLATIVE LIST[1]

FOR

# 1756–57.

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SPENCER PHIPS, Lieutenant Governor [*Acting Governor from May 26, 1756, until August 11, 1756*].

His Excellency WILLIAM SHIRLEY [*until September 25, 1756*],
Captain-General and Governor-in-chief.

SPENCER PHIPS, Lieutenant Governor [*Acting Governor from September 25, 1756, until April 4, 1757*].

Action by MAJOR PART OF THE COUNCIL from April 4, 1757.

JOSIAH WILLARD [*until December 6, 1756*],
secretary of the province.

ANDREW OLIVER [*from December 13, 1756*],
secretary of the province.

THOMAS CLARKE,
deputy secretary.

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## COUNCILLORS OR ASSISTANTS.

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the Massachusets Bay;*

| | | | |
|---|---|---|---|
| John Osborne | | Ezekiel Chever | |
| Francis Foxcroft | | Andrew Oliver | |
| Jacob Wendell | | Joseph Pynchon | |
| Benjamin Lynde | | Thomas Hutchinson | |
| Daniel Russel | Esqrs. | Stephen Sewall | Esqrs. |
| Samuel Danforth | | Isaac Royal | |
| John Greenleaf | | Eleazer Porter | |
| Samuel Watts | | John Erving | |
| John Chandler | | Benjamin Pickman | |

*Of the Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of New Plymouth;*

| | | | |
|---|---|---|---|
| John Cushing | Esqrs. | Sylvanus Bourn | Esqrs. |
| George Leonard | | John Otis | |

[1] See Legislative Records of the Council, xxi., 181–184.

*Of the Inhabitants of or Proprietors of Lands within the Territory called the Province of Mayne;*

Sir William Pepperel, Baronet, John Hill & Richard Cutt, Esqrs.

*Of the Inhabitants of or Proprietors of Lands within the Territory lying between the River of Sagadahock & Nova Scotia;*

William Brattle, Esq.

*For the Province, at large:—*

James Minot & Benjamin Lincoln, Esqrs.

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## REPRESENTATIVES OR DEPUTIES.

*May 26, 1756 to April 25, 1757.*

Mr. THOMAS HUBBARD, Speaker.

### County of Suffolk.

*Boston*, . . . Samuel Welles, Esq., Thomas Hubbard, Esq., Mr. John Tyng, Mr. Thomas Flucker.
*Roxbury*, . . Mr. Samuel Heath.
*Dorchester*, . . Mr. James Foster.
*Milton*, . . . Samuel Miller, Esq.
*Braintree*, . . John Quincy, Esq.
*Weymouth*, . . Mr. James Humphreys.
*Hingham*, . . Mr. Jacob Cushing.
*Dedham*, . . Mr. Nathaniel Sumner.
*Medfield*, . . Mr. Ephraim Chenery.
*Stoughton*, . . Mr. Richard Bailey.
*Needham*, . . Mr. Amos Fuller.
*Brooklyne*, . . Jeremiah Gridley, Esq.
*Wrentham*, . . Mr. Eliphalet Whitney.
*Medway*, . . Mr. John Adams.

### County of Essex.

*Salem & Danvers*, { Henry Gibbs, Esq., Daniel Epes, Jr., Esq.
*Ipswich*, . . Mr. Daniel Staniford.
*Newbury*, . . Joseph Gerrish, Esq.
*Marblehead*, . John Tasker, Esq., Richard Reed, Esq.
*Lyn*, . . . Capt. Benjamin Newhal.
*Beverly*, . . Robert Hale, Esq.
*Andover*, . . Mr. Joshua Fry.
*Rowley*, . . . Mr. Thomas Lancaster.
*Salisbury*, . . Mr. Caleb Cushing.
*Haverhill*, . . Mr. David Marsh.

### County of Essex — *Concluded.*

*Glocester*, . . . William Stevens, Esq.
*Bradford*, . . . Mr. William Hardy.
*Boxford*, . . . Mr. Jonathan Foster.
*Amesbury*, . . Mr. Isaac Merrill.
*Topsfield*, . . . Mr. Elijah Porter.
*Methuen*, . . . Mr. Ebenezer Barker.

### County of Middlesex.

*Cambridge*, . . Henry Vassal, Esq., Mr. Henry Prentice.
*Charlestown*, . . Mr. James Russell.
*Watertown*, . . John Hunt, Esq.
*Woburn*, . . . Josiah Johnson, Esq.
*Reading*, . . . Mr. John Temple.
*Concord & Carlisle*, { Capt. James Barret.
*Newton*, . . . Henry Gibbs, Esq.
*Sudbury*, . . . John Noyes, Esq.
*Marlborough*, . Mr. Samuel Witt.
*Groton, Shirley & Pepperel*, { William Lawrence, Esq.
*Billerica*, . . . Mr. William Stickney.
*Framingham*, . Joseph Buckminster, Esq.
*Chelmsford*, . . Capt. Ephraim Spaulding.
*Malden*, . . . Mr. Benjamin Hills.
*Weston*, . . . Capt. Elisha Jones.
*Medford*, . . . Stephen Hall, Esq.
*Westford*, . . . Capt. James [1] Keep.
*Waltham*, . . . Samuel Livermore, Esq.
*Lincoln*, . . . Chambers Russel, Esq.

[1] The House Journal, p. 4, reads, "Capt. Jabez Keep."

County of Hampshire.

*Springfield*, . . John Worthington, Esq.
*Northampton & Southampton*, } Mr. Gideon Lyman.
*Hadley & South Hadley*, } Mr. Josiah Pierce.
*Hatfield*, . . . Israel Williams, Esq.
*Deerfield*, . . . Mr. Joseph Barnard.
*Westfield*, . . . Eldad Taylor, Esq.
*Sheffield*, . . . Capt. Ithamar Hubbal.
*Sunderland, Montague & New Salem*, } Mr. John Gun.
*Brimfield*, . . Mr. Samuel King.

County of Worcester.

*Worcester*, . . Timothy Payne, Esq.
*Leicester & Spencer*, } Capt. John Brown.
*Lancaster*, . . William Richardson, Esq.
*Brookfield*, . . Capt. Jabez Upham.
*Lunenburgh*, . . Capt. Joshua Hutchins.
*Oxford & Charlton*, } Capt. Edward Davis.
*Mendon*, . . . Capt. Phineas Lovet.
*Rutland & Rutland District*, } John Murray, Esq.
*Sutton*, . . . Capt. Henry King.
*Southborough*, . Timothy Brigham, Esq.
*Westborough*, . . Mr. Francis Whipple.
*Shrewsbury*, . . Mr. Isaac Temple.
*Bolton*, . . . . Mr. Samuel Baker.
*Sturbridge*, . . Moses Marcy, Esq.
*Harvard*, . . . Capt. John Whitney.
*Dudley*, . . . Capt. Thomas Cheney.
*Grafton*, . . . Mr. Ephraim Sherman.

County of Plymouth.

*Plymouth*, . . Thomas Foster, Esq.
*Scituate*, . . Thomas Clap, Esq.
*Bridgwater*, . Daniel Howard, Esq.
*Marshfield*, . . Mr. John Thomas.
*Duxbury*, . . Gamaliel Bradford, Esq.
*Middleborô*, . Mr. Ebenezer Sprout.
*Rochester*, . . Capt. Noah Sprague.
*Plympton*, . . Mr. Isaac Bonney.
*Pembroke*, . . Mr. Israel Turner.
*Kingston*, . . Mr. John Brewster.
*Hanover*, . . David Stockbridge, Esq.
*Abington*, . . Mr. Jacob Porter.

County of Barnstable.

*Barnstable*, . . James Otis, Esq.
*Sandwich*, . . Rowland Cotton, Esq.
*Eastham*, . . Capt. Solomon Pepper.
*Yarmouth*, . . Mr. Joseph Hall.
*Harwich*, . . Nathaniel Stone, Esq.

County of Bristol.

*Taunton*, . . Samuel White, Esq.
*Rehoboth*, . . Capt. Aaron Kingsley.
*Swanzey*, . . William Slaid.
*Dartmouth*, . . Mr. James Allen.
*Norton*, . . . Mr. Thomas Mooney.[1]
*Attleborough*, . Mr. Maxey.[2]

County of York.

*York*, . . . . Mr. John Bradbury.
*Kittery*, . . . Mr. James Gowen.
*Welles*, . . . Capt. John Winn.
*Berwick*, . . . Mr. Benjamin Chadburn.
*Falmouth*, . . Enoch Freeman, Esq.
*Biddeford*, . . Mr. Samuel Jordan.

In the County of Nantucket.

*Sherburn*, . . Abishai Folger, Esq.

[1] The House Journal, p. 4, reads, "Mr. Thomas Morey."
[2] The House Journal, p. 4, reads, "Mr. Josiah Maxey."

# RESOLVES, ORDERS, VOTES, ETC.

## Passed at the Session begun and held at Boston, on the Twenty-sixth Day of May, A.D. 1756.

## CHAPTER 1.

ORDER APPOINTING A COMMITTEE TO SELECT LOCATION FOR A POWDER MAGAZINE, &c^A.

In the House of Rep^s

*Ordered*, That M^r Hunt and M^r James Russell with such as the hon Board shall join be a Com^tee to repair to the Town of Cambridge or elsewhere, & pitch upon a suitable place for erecting a Magazine for the reception of Gun Powder belonging to the Province; to prepare a Plan of the Building, and an Estimate of the Charge thereof, and report thereon.

In Council Read and Concurr'd and William Brattle Esq^r is join'd in the affair. [*Passed May 28.*

Legislative Records of the Council, xxi., 186. Mass. Archives, lxxv., 617.

House Journal, pp. 211, 212, 224 (November, 1755); p. 10.

## CHAPTER 2.

ORDER ACCEPTING REPORT OF COMMITTEE ON FRENCH NEUTRALS.

The Committee appointed to consider & report what is proper to be done by this Court in relation to the French Families last imported into this Province, have attended that Service & would humbly propose that the said French Families be allowed to remain in this Province, and be distributed into the several Sea Port Towns between Plymouth and Glocester, those Towns being included, and if any of those French People should hereafter be chargeable, it should not be to the Towns where they reside, but to this Province. All w^ch is humbly submitted.

By John Cush^g per Order.

Read and

*Ordered*, That this Report be Accepted. [*Passed May 28.*

Legislative Records of the Council, xxi., 187. Mass. Archives, xxiii., 76.

Mass. Archives, xxiii., 74, 75. Legislative Records of the Council, xxi., 186. House Journal, pp. 10, 13. Province Laws, iii., 960, 1055, notes.

## CHAPTER 3.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF PLYMOUTH AND ALLOWING £4. 13. 8 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 190. Mass. Archives, cxx., 98.

House Journal, pp. 9, 10. Province Laws, iii., 961, note. *Ante*, p. 458, chap. 329.

THE COMMITTEE for letting out to farm the Excise on spiritous Liquors in the County of Plymouth, reported that they had agreed for the Excise the Currant Year with Josiah Keen for £410 and had agreed for the Excise from the twenty sixth of December last to the twenty sixth of March last with Joseph Joslyn for £113 and taken Bonds of them both with Sureties, which they have lodged in the Treasury, their Account amounting to £4.13.8.

Read and

*Ordered*, That this Report be Accepted; And That there be allowed and paid out of the public Treasury the Sum of Four pounds thirteen shillings & eight pence to the s^d^ Com^tee^ in discharge of their Acco^t^ of Time & Expences exhibited. [*Passed May 28.*[1]

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## CHAPTER 4.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF WORCESTER AND ALLOWING 29/4 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 191. Mass. Archives, cxx., 96, 97.

Mass. Archives, cxx., 96. House Journal, p. 11. Province Laws, iii., 903, chap. 31. *Ante*, p. 458, chap. 323.

THE COMMITTEE for letting out to farm the Excise on Spiritous Liquors for the County of Worcester reported that they had agreed with Ezra Taylor for the Excise in the Currant Year for the Sum of £313.12/ and with the same Person for the Excise arising between the 26^th^ of December last and the 26^th^ of March last for the Sum of £78.8 and have taken Bonds of him with Sureties, and have lodged the same in the Treasury their Acco^t^ of Time & Expence amounting to £1.9.4.

Read and

*Ordered*, That this report be Accepted; & That there be allowed and paid out of the Public Treasury the Sum of twenty nine shillings & four pence to the said Committee in Discharge of their Acco^t^ of Time & Expences exhibited. [*Passed May 28.*[1]

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## CHAPTER 5.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF WORCESTER COUNTY.

Legislative Records of the Council, xxi., 187. Mass. Archives, ccxlix., 83.

House Journal, pp. 10, 19.

AN ACCOMPT presented by M^r^ Gardner Chandler Treasurer of the County of Worcester for the Year 1755, having been by him laid before the Court of General Sessions of the Peace for said County & by them allowed.

Read and

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is May 31.

*Ordered*, That this Acco$^{t}$ be allowed; and That the Ballance thereof being One hundred and Twenty Nine Pounds fourteen Shillings & five pence farthing the s$^{d}$ Treasurer be further accountable to the said County for. [*Passed May 29.*[1]

## CHAPTER 6.

ORDER ALLOWING £5 PER MONTH TO THE CHAPLAIN AT FORT MASSACHUSETTS.

Legislative Records of the Council, xxi., 188. Mass. Archives, xiii., 776.

House Journal, p. 19. *Ante*, p. 473, chap. 364.

*Ordered*, That there be allowed for Wages to the Chaplain at Fort Massachusetts five Pounds ℔ month, For the term of seven months from the last day of March last. [*Passed May 29.*

## CHAPTER 7.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF ESSEX COUNTY.

Legislative Records of the Council, xxi., 188.

House Journal, pp. 10, 20.

An Accompt presented by Daniel Appleton, Treasurer of the County of Essex for the last Year, having been laid before the Court of General Sessions of the Peace for the said County & by them allowed.

Read &

*Ordered* that this Account be allowed, and that the Ballance thereof being Three hundred & thirteen Pounds six Shillings and eight pence, the said Treasurer be further accountable to said County for. [*Passed May 29.*

## CHAPTER 8.

VOTE DESIRING HIS HONOR THE LIEUT. GOVERNOR TO GIVE ORDERS FOR A SCOUT FROM FORT GEORGE TO MACQUOIT.

Legislative Records of the Council, xxi., 189. Mass. Archives, cxvii., 177.

Mass. Archives, cxvii., 176. House Journal, pp. 11, 19.

A Petition of the Select Men of the Town of Brunswick, shewing how much the Inhabitants there are exposed to the Assaults of an Indian Enemy and praying that they may have Force to defend & secure them.

Read and

*Voted* That his Hon$^{r}$ the Lieu$^{t}$ Governor be desired to give Orders that fourteen men belonging to the Scouting Company under the Command of Cap$^{t}$ Samuel Gooding Continually Scout on the back of the Inhabit$^{ts}$ from Fort George to Macquoit, untill the further Order of this Court. [*Passed May 29.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is May 28.

## CHAPTER 9.

ORDER FOR FURNISHING THE TOWN OF TRURO WITH A CANNON, SMALL ARMS, AMMUNITION, ETC.

Legislative Records of the Council, xxi., 189. Mass. Archives, lxxv., 609.

Mass. Archives, lxxv., 608. House Journal, pp. 8, 16.

A PETITION of the Select Men of Truro setting forth the Weakness and Poverty of the said Town, and that they are by their Situation exposed to the landing of the French in the Time of War, and praying for the grant of Twenty small Arms & a suitable Quantity of Ammunition & one small Cannon for their Defence.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as And [1] that the s[d] Town of Truro be furnished with one four pound piece of Ordnance, with Twenty small Arms, one barel of Gun Powder and one hundred W[t] of Lead to be put into the hands of M[r] Joshua Atkins & he to be accountable for the same when demanded: And That his Honour the Lieu[t] Governor be desired to give Orders Accordingly. [*Passed May 29.*

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## CHAPTER 10.

ORDER ACCEPTING ACCO[T] OF TRUSTEES OF HASSANIMISCO INDIANS.

Legislative Records of the Council, xxi., 189. Mass. Archives, xxxii., 726.

House Journal, pp. 12, 17. Province Laws, xiii., 326, chap. 227.

AN ACCOMPT presented by John Chandler & John Jones & M[r] Edw[d] Baker Trustees of the Hassanimisco Indians of their Receipts & Disbursem[ts] for the said Indians in the Year past; &c[a]

Read and

*Ordered* That this Acco[t] be accepted, And That the Said Trustees be accountable to the said Indians for the Balance thereof being eighteen Shillings and one One [1] peny farthing. [*Passed May 29.*

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## CHAPTER 11.

ORDER IMPOWERING THE EXECUTRIX OF THE ESTATE OF GEORGE PIERCE TO SELL LAND.

Legislative Records of the Council, xxi., 189. Mass. Archives, xix., 398.

Mass. Archives, xix., 397, 399. House Journal, pp. 10, 16. Province Laws, ii., 151, chap. 10.

A PETITION of George Peirce of Lincoln Attorney to the Executrix of the Testament of George Peirce late of Weston in the County of Middlesex dec[d] shewing that the said Testator impowered his Executrix to sell his Real Estate in Concord, as judging it best for his Heirs; and for as much as there are two Acres belonging to the Homestead which ly within the Bounds of Lexington, Praying to be impowered by this Court to sell the same.

Read and

*Ordered*, That the Prayer of this Petition be granted; and That the Surviving Executrix of y[e] said deceased's last Will & Testament be and hereby is impowered to Sell the two acres of Land mentioned lying in Lexington as though the same had been mentioned in y[e] s[d] deceased's will, She to follow the same Rules & Directions as to the

[1] *Sic.*

Sale & giving the Title as the Executor is impowered to do by the s[d] deceased's Will to his other Lands lying in Weston & Concord, and the produce thereof to be accounted for in the same manner. [*Passed May 29.*

## CHAPTER 12.

ORDER FOR SENDING SOLDIERS SICK WITH INFECTIOUS DISEASES TO THE HOSPITAL ON RAINSFORD ISLAND.

*Ordered*, That such Soldiers as have been lately brought into this Province or may hereafter be brought in Sick with any infectious Distemper from Fort William Henry & Fort Edward be forthwith sent to the Hospital on Rainsford's Island to be put under the Care of the Select Men of the Town of Boston at the Province Charge. [*Passed May 31.*

Legislative Records of the Council, xxi., 191. Mass. Archives, lxxxvii., 328.

House Journal, p. 23.

## CHAPTER 13.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF BRISTOL AND ALLOWING 26/6 FOR THE EXPENSE THEREOF.

The Committee for letting out to farm the Excise on Spiritous Liquors for the County of Bristol, reported that they had agreed with Joseph Josslyn for the Sum of £166.13.4 for the Excise arising this present Year, and the Sum of £33.6.1 for the Excise from December 26. 1755. to March 26. 1756. and have taken Bonds of the said Josslyn with Sureties and lodged the same in the Treasury, their Acco[t] of Time & Expence being 26/ 6.

Read and

*Ordered* That this Report be Accepted; And That there be allowed and paid out of the Public Treasury the Sum of twenty Six Shill[s] & six pence to the said Committee in discharge of their Acco[t] of time & Expences exhibited. [*Passed May 31.*

Legislative Records of the Council, xxi., 191. Mass. Archives, cxx., 112.

House Journal, pp. 23, 24. *Ante*, p. 459, chap. 331.

## CHAPTER 14.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Ordered* that there be allowed and paid out of the public Treasury to William Lawrence Esq[r] for the Use of Ephraim Wesson Forty two Shillings, for the Use of John Sartle Four Pounds eleven Shillings and four pence; for the Use of Capt Samuel Preston Six Pounds two Shillings and one penny, for the Use of Ephraim Stevens Eleven Shillings and four pence, & for the Use of Sam[l] Douglass Nineteen Shillings and ten pence; for the Use of Samuel Parker Eleven Shillings and five pence; for the Use of Jonah Crosby Ten Shillings and eight pence; for the Use of Robert Crosby Six Shillings; & for the Use of Joseph Herrick Two Pounds seventeen Shillings and six pence; To William Richardson Esq[r] for the Use of Aaron Dresser Four Pounds seventeen Shillings and three pence; For the Use of

Legislative Records of the Council, xxi., 191.

House Journal, pp. 14, 15.

Jonathan Wilder Five Pounds and four pence; For the Use of Daniel Jewel Two Pounds fourteen Shillings for the Use of Rachel Whetcomb Three Pounds twelve Shillings for the Use of Hannah Woods Thirty seven Shillings, for the Use of John Manning Forty Shillings, For the Use of Asa Whetcomb Seven Pounds; four Shillings; For the Use of Silas Bennet Three Pounds nine Shillings & two pence; For the Use of Thomas Dole Two Pounds fifteen Shillings; For the Use of Asa Whetcomb on Account of what the said Asa paid the Relations of Ithamar Bennet & Oliver Osgood (being 12/ each) Twenty four Shillings; To M^r^ Joshua Fry for the Use of Timothy Lovejoy Four Pounds two Shillings, for the Use of Joseph Blanchard Forty Shillings; For the Use of John Fry jun^r^ Three Pounds; For the Use of Mahetabel Fry Four Pounds twelve Shillings, and for the Use of Ward Noyes Two Pounds twelve Shillings, to Capt Phineas Lovet for the Use of Jeremiah Thayer Three Pounds two Shillings and six pence; for the Use of Daniel White Fourteen Shillings and eight pence; for the Use of Peter Haywood Three Pounds; for the Use of Ezekiel Moorey Thirty Shillings; & for the Use of the Reverend NathanWebb Five Pounds eighteen Shillings to Capt Jabez Upham, for the Use of Joseph Hind Forty Shillings; for the Use of Thomas Gilbert jun^r^ Administratrix of the Estate of Josiah Gilbert dec^d^ Four Pounds; for the Use of Joseph Chadwick Twenty Shillings and eight pence for the Use of John Cheny Four Pounds eleven Shillings, and for the Use of Jonathan Abbot Five Pounds ten Shillings to M^r^ Gideon Lyman, for the Use of Aaron Lyman Eight Pounds five Shillings and four pence; for the Use of Phineas Clarke Forty six Shillings; for the Use of Aaron Leonard four Pounds three Shillings and four pence; and for the Use of Stephen Alvord Forty eight Shillings and six pence, to Capt Joshua Hutchins for the Use of Abraham Ireland Four Pounds six Shillings and four pence; for the Use of James Clarke of Lancaster Forty Shillings; for the Use of John Henderson Sixteen Shillings and four pence, and for the Use of Zeckariah Whitney Eighteen Shillings; to M^r^ Thomas Moorey for the Use of Robert Craige Thirty Shillings; for the Use of Jonathan Caswell Five Pounds five Shillings, to M^r^ Joseph Peirce for the Use of Joseph Alexander Thirty six Shillings and eight pence; for the Use of Jabez Kellog Twenty Shillings and nine pence; for the Use of John Wilder Forty eight Shillings; and for the Use of Thomas Temple Thirty five Shillings; To Cap^t^ John Brown for the Use of Job Weld Twenty one Shillings and eight pence, and for the Use of Caleb Bridges Three Pounds seven Shillings & four pence, to Capt Ephraim Spaulding for the Use of Peter Procter Twenty Shillings, to Eldad Taylour Esq^r^ for the Use of John Patterson Twenty six Shillings and eight pence; to M^r^ Samuel Baker for the Use of Eleazer Whetcomb Three Pounds seven Shillings and eight pence, to M^r^ Josiah Maxey for the Use of Henry Brag Six Pounds, to M^r^ William Hardy for the Use of Ichabod Cheney Forty six Shillings and four pence; to Joseph Gerrish Esq^r^ for the Use of Edward Woodman Thirty Shillings; To M^r^ Francis Whipple for the Use of Abraham Knolton Thirty seven Shillings and eight pence, To Henry Gibbs of Newton Esq^r^ for the Use of Michael Jackson jun^r^ Forty six Shillings & eight pence; To Capt Jonathan Whitney for the Use of Isaac Gates Three Pounds twelve Shillings, To Capt Elijah Jones for the Use of William Norcross Forty eight Shillings, To Ebenezer Hill Six Pounds three shillings and four pence, To Joseph Baker Five Pounds two Shillings and

ten pence, To Oliver Warren Four Pounds nineteen Shillings and four pence, To Joseph Dudley Forty two Shillings; To James Man Twenty four Shillings and eight pence; To Edward Selfridge Seven Pounds sixteen Shillings and four pence, to John Hayward Winslow Ten Shillings: To Benjamin Stebbins four Shillings; To Elijah Remington Six Pounds three Shillings and three pence; To Jonas Stieles Seven Pounds four Shillings; To Moses Noble Twenty three Shillings & nine pence; To Alexander Turner Four Pounds eight Shillings and six pence; To Henry Webber Two Pounds thirteen Shillings and seven pence; To Cap$^{t}$ Samuel Clark Four Pounds ten Shillings and ten pence; To Nathaniel Butterworth Five Pounds nineteen Shillings and eleven pence; To Josiah Stone Five Pounds six Shillings and eight pence; To Daniel Rice Seven Shillings & eight pence; To James Hill Nineteen Shillings and four pence, To Josiah Whiting Sixteen Shillings; To Ebenezer Sternes Forty eight Shillings and eight pence: To Samuel Ross Twenty four Shillings; To Eliphalet Ware Three Pounds fourteen Shillings; To Zerubabel Snow Forty Shillings; To Richard Smith Two Pounds ten Shillings & eight pence, to Richard Kellog Ten Shillings; To John Gibbs Thirty six Shillings; To Abraham How Twenty two Shillings and four pence, To Joseph Porter Forty one Shillings and four pence, To Eliphalet Fales Twenty Shillings, To Peter Blackmore Forty three Shillings; to John Carlton Eighteen Shillings, To Samuel Runnels Four Pounds four Shillings and eight pence; To William Chadwick Eighteen Shillings; To Nathaniel Holman Two Pounds ten Shillings; To Jedediah Blaney Forty Shillings; To James Clark of Medfield Three Pounds ten Shillings; To Solomon Steward Four Pounds six Shillings and two pence; To Joseph Houghton Nineteen Shillings and six pence, to Benjamin Moor Twenty Shillings; To Jonathan Prat Four Pounds fifteen Shillings and ten pence; To David Fisher Thirty Shillings and eight pence; To Oliver Peabody Twenty four Shillings; To Robert Cutler Forty Shillings; To Joshua Taft Two Pounds nineteen Shill$^{gs}$ and eight pence; To Benjamin Haws Sixteen Shillings & six pence; to Benjamin Ware Twenty one Shillings & six pence: To Thomas Boyden Forty Shillings; To William Burton Forty four Shillings and six pence, To Samuel Choat Three Pounds four Shillings, and to Benjamin Guild Twenty two Shillings and eight pence, being in full Consideration of Sickness & Expences mentioned in their several Petitions and Accompts herewith exhibited; And also to John Sternes Five Pounds in full to this Time for his Sufferings as mentioned in his Petition. [*Passed May 31.*

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## CHAPTER 15.

ORDER APPOINTING A COMMITTEE TO EXAMINE CHARGES FOR SUPPORT OF FRENCH NEUTRALS, &c.

In Council

*Ordered* that Samuel Watts and William Brattle Esq$^{rs}$ with such as the hon$^{ble}$ House shall join be a Comm$^{ee}$ to examine such Accounts of Charges as have been or may be offer'd to this Court for supporting any of the French Inhabitants that have been lately brought from Nova Scotia, into this Province And that the Com$^{tee}$ project some

Legislative Records of the Council, xxi., 194. Mass. Archives, xxiii., 140.

Legislative Records of the Council, xxi.,

204, 208. House Journal, p. 24. Province Laws, iii., 1056, note. *Ante*, p. 529, chap. 2. *Post*, p. 542, chap. 32.

Method for easing the Province of such a Charge for the future and Report as soon as may be.

by order WM PEPPERRELL

In the House of Reps

Read and Concurred, And Mr Welles, Thomas Foster Esqr & Mr Paine are joined in the Affair. [*Passed* * *May 31.*[1]

## CHAPTER 16.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF HAMPSHIRE AND ALLOWING 12/ FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 195.

House Journal, p. 27. *Ante*, p. 458, chap. 327.

THE COMMITTEE for letting out to farm the Excise on Spiritous Liquors in the County of Hampshire reported that they had agreed with Elisha Pomroy for the same; vizt the Excise for the present Year for £165, and the Excise for the Time between the 26th of December and the 26th of March last for £20, & have taken Bonds of him with Sureties, and lodged them in the Treasury the Committees Accot of Time and Expence therein amounting to twelve Shillgs

Read &

*Ordered* that this Report be accepted, and that there be allowed & paid out of the public Treasury the Sum of Twelve Shillings to the said Committee in discharge of their Accot of Time & Expence exhibited. [*Passed June 1.*

## CHAPTER 17.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF BARNSTABLE AND ALLOWING £2. 14 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 195.

House Journal, p. 26. *Ante*, p. 459, chap. 330.

THE COMMITTEE for letting out to farm the Excise on spiritous Liquors in the County of Barnstable reported that they had let out the same to Nathaniel Little, vizt the Excise for the Current Year for £204 and the Excise for the Time between the 26th of December and the 26th of March last for £57.10 and have taken Bonds of him with Sureties, & lodged them in the Treasury, their Accot of Time & Expence therein amotg to 54/.

Read &

*Ordered* that this Report be accepted, and that there be allowed and paid out of the public Treasury the Sum of Two Pounds fourteen Shillings to the said Committee in discharge of their Accot of Time & Expences exhibited. [*Passed June 1.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 1.

## CHAPTER 18.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON LIQUORS TEA &c^A^ FOR THE COUNTY OF NANTUCKET AND ALLOWING 36/ FOR THE EXPENSE THEREOF.

The Committee for letting out to farm the Excise in Nantucket County reported that they had agreed with Obed Hussey for the Excise on Tea &c^a^ for one Year for £11.1.4 and with Thomas Arthur for the Excise on Spirituous Liquors for three Months as expressed by Law for £7.9.4 & the Excise on Liquors for the Current Year £35.14.8 and have taken Bonds of them with Sureties and lodged them in the Treasury; The Committees Acco^t^ for Time & Expence amounting to £1.16.

Legislative Records of the Council, xxi., 195. Mass. Archives, cxx., 113.

House Journal, p. 27. *Ante*, p. 460, chap. 334.

Read and

*Ordered* That this Report be Accepted, And That there be Allowed and paid out of the Public Treasury the sum of Thirty Six Shillings to the said Com^tee^ in Discharge of their Acco^t^ of Time and Expences Exhibited. [*Passed June 1.*

## CHAPTER 19.

ORDER IMPOWERING EDMUND SOPER TO RECEIVE THE WAGES OF ASA SOPER.

A Petition of Edmund Soper of Bridgwater shewing that his Brother Asa Soper died a Soldier in the Service of the Province in Debt to the Petitioner, Praying that he may be impowered to receive his Wages out of the public Treasury for the Payment of his Debt.

Legislative Records of the Council, xxi., 195. Mass. Archives, lxxv., 576.

Mass. Archives, lxxv., 575. House Journal, pp. 27, 29, 30.

Read and

*Ordered* That the Prayer of this Pet^n^ be granted, And That the Petitioner be and hereby is impowered to receive of the Province Treasurer the wages of his Brother Asa Soper deceased herein mentioned, The Petitioner to be accountable to the Creditors And Heirs of said Asa their proportionable part of the same according to Law. [*Passed June 1.*

## CHAPTER 20.

ORDER IMPOWERING ROBERT BARBER, GUARDIAN, TO PURCHASE LAND.

A Petition of Robert Barber of Worcester Guardian of William Blair a Person Non Compos, shewing that in the Year 1747. by Order of the General Court he sold the Real Estate of the said William, that the Personal Estate is now more than sufficient for the Support of said William & his Family Therefore praying that he may be enabled with some part of the Personal Estate to purchase a Tract of Land in the Town of Pelham belonging to James Gilmore for the Benefit of said Williams Children.

Legislative Records of the Council, xxi., 196. Mass. Archives, xix., 406.

Mass. Archives, xix., 405. Legislative Records of the Council, xviii., 83. House Journal, p. 30.

Read and

*Ordered* that the prayer of the Petition be Granted and the Petitioner is hereby Impowered to purchass the Land within Referred

to, in the name & for the sole use of the said William Blair his heirs & assigns forever provided Always that the Same land So purchased and the Profitts thereof be subject to the care & Inspection of said Guardian the profitts to be apply'd for the advantage & support of the said William & family and that said Guardian in making up acco[t] with the Judge of Probate for the County of worcester be allowed to Charge so much as said Land may Cost with a Reasonable sum for his time & Expence ariseing thereby. [*Passed June 1.*

## CHAPTER 21.

ORDER DECLARING RECORDS OF SECOND PRECINCT IN FALMOUTH TO BE GOOD AND VALID.

Legislative Records of the Council, xxi., 198. Mass. Archives, cv., 539.

Mass. Archives, cv., 538. House Journal, pp. 17, 33.

A MEMORIAL of William Simonton & others a Committee for the second Parish in Falmouth, shewing that Bénjamin Thrasher has been chosen & has officiated as Clerk of the said Parish ever since the Year 1750. that he supposing the Oath he took upon his first Entrance on said Office was binding upon every successive Election, was never after sworn to his Duty in that Office, from which Omission many Inconveniences may ensue in the said Parish, Therefore praying for Releif from this Court.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as that all the Records of said Precinct be & hereby are declared to be good & Valid in Law to all intents & purposes, Provided said Benjamin Thrasher be now sworn to the faithful discharge of said Office of Precinct Clerk to said second Precinct in Falmouth, And that he Also Sware that the Records heretofore made by him in said Office since the year 1750, are true And that he made them apprehending himself to be under Oath Provided Also that this Determination shall not be Construed so as to have any effect in any Cause or suit in Law Already Commenced by any person or persons in said precinct. [*Passed June 3.*

## CHAPTER 22.

ORDER ALLOWING £300 TO THE LIEU[T] GOVERNOUR.

Legislative Records of the Council, xxi., 198. Mass. Archives, l., 1.

House Journal, pp. 36, 39.

*Ordered*, That there be allowed and paid out of the Public Treasury to His Honour Spencer Phips Esq[r] Lieu[t] Governor & Commander in Chief of the Province The Sum of Three Hundred Pounds, in Consideration of his past Services, & to enable him further to Carry on the Affairs of the Governm[t]. [*Passed June 4.*

## CHAPTER 23.

VOTE THAT THE PROVINCE TREASURER GIVE BOND ON ENTRING UPON THE DUTIES OF HIS OFFICE, AND APPOINTING A COMMITTEE ON THE SUFFICIENCY THEREOF.

In the House of Repˢ

*Voted*, That No Person that shall be Chosen by this Court into the office of Treasurer & receiver Genˡ for this Province for the present year shall be esteemed duly qualified to enter upon the Execution of that Office, untill he shall first have an Oath Administered to him for his faithful performing of his said Office, And shall also give Bond with sufficient sureties to yᵉ Acceptance of a Comᵗᵉᵉ appointed by this Court for that purpose in the sum of thirty thousand pounds lawful money, to yᵉ three eldest Councellors in yᵉ province for the Time being who are hereby Appointed a Comᵗᵉᵉ in behalf of yᵉ Province, and especially authorized for this Purpose, which Bond shall be Conditioned for such Treasurers truly & faithfully discharging the Duty of his Office according to Law, & for his rendering an Accoᵗ when & so often as he shall be required by the Genˡ Court of all such sums of money as he shall from time to time receive into yᵉ Treasury, & for his well & truly paying to his successor in said office, or to any other person that may be appointed by the Genˡ Court to receive the same all such sum or sums of Money as upon such settlement of his said Accoᵗ or otherwise shall be found due or payable from him to the Province, provided That yᵉ said Bond be put in suit within two years next after yᵉ Date thereof otherwise to be void and of none effect: And That Samˡ Welles Esqʳ & Mʳ Thomas Flucker with such as the Honˡ Board shall join be a Comᵗᵉᵉ to judge of the sufficiency of such as may offer to be Come sureties for the Treasurer as aforesaid.

In Council. Read & Concur'd and Jacob Wendell Esqʳ is joined for the Purpose above mentioned. [*Passed June 4.*

Legislative Records of the Council, xxi., 199. Mass. Archives, ciii., 446.

Legislative Records of the Council, xxi., 200. House Journal, pp. 41, 42.

## CHAPTER 24.

ORDER ALLOWING CAPᵀ ISELEY & SOLDIERS WAGES FOR SCOUTING.

A Petition of Major Enoch Freeman Esqʳ setting forth that Isaac Iseley and others particularly mentioned in a Certificate of Colº Ezekiel Cushing were employed as a Scout for the Safety of the Inhabitants in the Eastern parts the Time therein expressed, Prayᵍ that he may be allowed for the same accordingly.

Read and

*Ordered* That the Prayer of this Petition be so far granted, as That there be allowed and paid out of the Public Treasury to the said Capᵗ Isley two Shillings ℔ day for said seven days Scouting & one Shilling & four pence to each Soldier mentioned in the Petition in full for their pay and subsistence. [*Passed June 4.*

Legislative Records of the Council, xxi., 200. Mass. Archives, xciv., 237.

House Journal, pp. 20, 38.

## CHAPTER 25.

ORDER ALLOWING £7. 8. 9 TO JOSIAH LOMIS.

Legislative Records of the Council, xxi., 200. Mass. Archives, xliv., 278.

A PETITION of Josiah Lomis shewing that as Deputy Sheriff of the County of Hampshire he did by Lawful Authority take into Custody divers Persons & was at Charge in taking and keeping them, that they were afterwards discharged by the Governours special Order, so that the Petitioner cannot obtain a Reimbursement without Aid from this Court, Praying for their Order thereupon.

Mass. Archives, xliv., 279. House Journal, pp. 28, 34.

Read and

*Ordered*, That the Prayer of this Petition be granted; and That there be allowed and paid out of the Public Treasury to the Petitioner y^e^ Sum of Seven Pounds eight Shillings & nine pence in full discharge of his Acco^t^ exhibited. [*Passed June 4.*

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## CHAPTER 26.

ORDER IMPOWERING ARNOLD WELLES TO EXPORT PROVISIONS TO SURINAM.

Legislative Records of the Council, xxi., 201. Mass. Archives, ccciii., 77.

A PETITION of Arnold Welles of Boston Merch^t^ shewing that he is about to load the Schooner Industry William Aish Master for Surinam praying that he may be permitted to ship on board said Vessel & send thither One hundred & fifty Barrels of Provisions.

House Journal, p. 40. Province Laws, iii., 866, chap. 7; 956, note. *Ante*, p. 270, chap. 261.

Read and

*Ordered*, That y^e^ Prayer of this Petition be granted; And y^t^ the Pet^r^ be allowed to ship the provisions mentioned on board y^e^ Schooner Industry William Aish Master for the Port of Surrinam, and that the Commissioner of Impost be and hereby is impowered & directed to take bond of the Petitioner for one thousand Pound Sterling for landing y^e^ same at the said Port of Surrinam, and That the chief Officer of said Vessel at his return make Oath That the Said Provisions were bonâ fide landed there, and upon his taking the said Oath, the said Bond to be Cancelled. [*Passed June 4.*

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## CHAPTER 27.

VOTE DESIRING HIS HONOUR THE LIEUTENANT GOVERNOUR TO APPOINT A COMMANDER FOR FORCES IN THE EASTERN PARTS AND INSTRUCTING THE COMMISSARY GENERAL TO SEND STORES AS DIRECTED BY HIM.

House Journal, p. 39. Mass. Archives, lxxv., 644.

THE COMMITTEE appointed to take under Consideration the most convenient and effectual Method of supplying the marching Forces on the *Eastern* Frontiers with Provisions, &c. reported thereon, according to Order.

House Journal, pp. 25, 39, 40. *Ante*, p. 473, chap. 364.

*Voted*, That His Honour the Lieu^t^ Gov^r^ & Commander in Chief be desired to appoint some suitable person or persons in the County of York to see that the several Captains of the marching Forces in

the Eastern Parts of the Province are faithful in their Duty, and remitt him Advice from Time to Time of their Conduct: And likewise That the Commissary General be directed to Send the Stores to the most Convenient place or places according to the directions of the said Commanding officer, & there to be delivered, to prevent the Soldiers spending their Time in fetching Them, When they Should be upon their Duty, which will greatly be for the security of the Inhabitants. [*Passed June 4.*

## CHAPTER 28.

VOTE DIRECTING THE COMMISSARY GENERAL TO PROVIDE BOATS ON SEBAGO POND.

In the House of Represent[s]

Whereas it appears to this House That it would be of great Service to have a suitable number of Boats in Sabago Pond for transporting Men thrô the Same to Amascoggin River in Order to Cut off the Indian Enemy in their descent upon or retreat from the Inhabitants on the Eastern Frontiers;

*Voted* That the Commissary General be directed to provide as soon as may be two good Cedar Whale boats for the use of the Scouting Companies on the Said Frontiers as occasion shall offer the said Boats to be delivered to the Order of the Commander in Chief.

In Council Read and Concur'd. [*Passed June 5.*[1]

Legislative Records of the Council, xxi., 199. Mass. Archives, lv., 186.

Mass. Archives, lv., 185. House Journal, pp. 37, 38. *Ante*, p. 531, chap. 8. *Supra*, chap. 27.

## CHAPTER 29.

VOTE DESIRING HIS HONOUR THE LIEUT. GOVERNOUR TO COMMISSION GUNNERS AT CASTLE WILLIAM, AND PROVIDING FOR THE ESTABLISHMENT THEREOF.

*Voted*

That his Honour the Lieu[t] Governour be desired to give a Warrant to M[r] Temple Decoster to be chief Gunner at Castle William & M[r] Jn[o] Brock as Second Gunner Or Gunner's Mate & that there be allowed to the s[d] Decoster £33.6.8 & to the s[d] Brock £30 ℔ Annum for their Services in those Station's

That the s[d] Decoster be allowed Two Servants, upwards of 16 year's of age, on the Establishment for s[d] Castle, to do Soldier's Duty & draw Pay as such; & that he with his Two Servants repair any small Articles of Carpenter's Work (so as not to interfere with the business of their Stations) & be paid therefor, as the Com[tee] for the repairs of s[d] Castle shall from time to time judge to be reasonable. [*Passed June 5.*

Legislative Records of the Council, xxi., 202. Mass. Archives, lxxv., 647.

House Journal, p. 209 (January, 1755); p. 43. Province Laws, xiv., 507, chap. 252.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 4.

## CHAPTER 30.

VOTE DESIRING HIS HONOUR THE LIEUT GOVERNOUR TO EMPLOY TEN OF THE INHABITANTS OF NEW GLOUCESTER AS SCOUTS.

Legislative Records of the Council, xxi., 203. Mass. Archives, cxvii., 133.

Mass. Archives, cxvii., 132. House Journal, pp. 35, 43.

A PETITION of Philemon Warner & Nathaniel Allen for themselves & others Inhabitants of the Plantation called New Glocester, setting forth their dangerous Circumstances in respect to the Indian Enemy, & praying that some of them may be taken into the Pay of the Province, or that they may be otherwise releived:

Read and

*Voted*, That such of the Inhabitants of a place Called New Glocester in the County of York as are effective for y^e^ service (one of whom to be a serjeant) be put into the pay & subsistence of the Governm^t^ viz^t^ Ten only at the same time, The s^d^ Ten to be employed in scouting for the protection of said Inhabitants, till the last day of October next, and

That his Honour the Lieu^t^ Gov^r^ & Commander in Chief be desired to give Directions Accordingly. [*Passed June 7.*[1]

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## CHAPTER 31.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO CONSIDER THE AUGMENTATION OF FORCES IN THE CROWN POINT EXPEDITION.

Legislative Records of the Council, xxi., 204. Mass. Archives, lxxv., 652.

Mass. Archives, lxxv., 649. Legislative Records of the Council, xxi., 202. House Journal, pp. 44, 52.

THE COMITTEE of both Houses, appointed on the 5^th^ Instant, to consider of the expediency or inexpediency of augmenting the forces in the Crown point expedition, having very carefully weigh'd the circumstances of that important affair, are humbly of opinion, that it is not proper, at present to determine absolutely concerning it; Especially, by reason, that the thirty five hundred agreed upon by this Province, are deficient by some hundreds & those of the other Governments more wanting; The Comittee therefore humbly apprehend, that imediate care should be taken, to excite the other Governm^ts^ to send forward the remainder of their proportion of the forces, with the utmost expedition; and that some effectual act be passed by this court, forthwith to compleat & send away the forces deficient, in the proportion of this Province;

Read And

*Ordered*, That this report be Accepted. [*Passed June 8.*

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## CHAPTER 32.

Legislative Records of the Council, xxi., 204. Mass. Archives, xxiii., 140.

VOTE SUBSTITUTING COL^O^ GERRISH AND COL^O^ CLAP FOR THOMAS FOSTER, ESQ^R^, AND MR PAINE ON THE COMMITTEE TO EXAMINE CHARGES FOR SUPPORTING FRENCH NEUTRALS.

Province Laws, iii., 1056, note. *Ante*, p. 535, chap. 15.

*Voted* That Col. Gerrish & Col^o^ Clap be of the Com^tee^ for the purposes within mentioned [*ante*, p. 535, chap. 15] in the Room of Tho^s^ Foster Esq^r^ and M^r^ Paine who are absent.[2] [*Passed June 8.*

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is June 5.

[2] Not found in the House Journal.

## CHAPTER 33.

RESOLVE ALLOWING PAYMENT OF INTEREST MONEY TO JN° ERVING, ESQR.

*Resolved*, That there be Allowed and paid out of the public Treasury to Johu Erving Esq[r] lawfull Interest on y[e] Sum Advanced by him for freight of Gun-Powder & small Arms (which he purchased for the Use of the Governm[t]) from the Date of the Warrants drawn on the Treasurer in discharge of his Acco[t] thereof to the Time he shall receive the money due. [*Passed June 8.*

Legislative Records of the Council, xxi., 204. Mass. Archives, lxxv., 654.

House Journal, p. 51. *Ante*, p. 351, chap. 61.

## CHAPTER 34.

ORDER ACCEPTING REPORT OF COMMITTEE FOR SELLING PROVINCE LAND NEAR SPRINGFIELD AND ALLOWING THIRTY SHILLINGS FOR CHARGES THEREOF.

The Committee appointed by the General Court June [1] 1st 1754. to dispose of a Tract of Province Land bounding North on the Town of Springfield &c[a] have sold the same at public Vendue to the highest Bidder, being One hundred & eighty one Acres and an half at Two Shillings per Acre, amounting to the Sum of Eighteen Pounds three Shillings, & have given Deed thereof to the Rev[d] M[r] Stephen Williams, & have paid to the Province Sixteen Pounds thirteen Shillings being part of the said Sum, the remaining Sum being Thirty Shillings the Com[tee] prays may be allowed them for Charges in surveying the Land, making Conveyance, & for Time & Expences in the Vendue &c[a]

All which is humbly submitted,

Per Order Eleazer Porter.

Legislative Records of the Council, xxi., 204. Mass. Archives, xlvi., 426.

Mass. Archives, xlvi., 425. House Journal, pp. 44, 45. *Ante*, p. 94, chap. 222.

Read and

*Ordered* That this report be Accepted And That there be allowed to said Committee thirty shillings of the Money the said Lands was sold for, in Consideration of what was paid by them for surveying said Lands, & drawing the Conveyances, And for their own Time & Expences in s[d] service. [*Passed June 8.*

## CHAPTER 35.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Ordered* that there be allowed and paid out of the public Treasury to Joseph Buckminster Esq[r] for the Use of George Walkup Five Pounds thirteen Shillings & four pence, to M[r] Samuel King for the Use of Abner Blodget Forty Shillings; to M[r] John Gun for the Use of Samuel Gray [2] Fifteen Shillings, and for the Use of Silas Gray [2] Forty Shillings, to [*Moses Marcy*, Esq;] [3] for the Use of John Chedle Forty three Shillings and six pence, to M[r] Samuel Baker for

Legislative Records of the Council, xxi., 205.

Mass. Archives, lxxv., 441, 556, 557, 558, 563, 565, 566, 614, 615. House Journal, p. 49.

[1] The House Journal, p. 44, reads, "*January.*"
[2] "*Graves*," in the House Journal, p. 49.
[3] Inserted from the House Journal, p. 49.

the Use of Ebenezer Snow Fifty eight Shillings; to Mr John Adams for the Use of Ebenezer Hayward Eight Shillings and two pence, to Seth Morse Forty Shillings and four pence, To Gamaliel Bradford Esqr for the Use of Gamaliel Arnold Thirteen Shillings, in full Consideration of the Expences in their several Petitions respectively mentioned. [*Passed June 8.*

## CHAPTER 36.

ORDER REFERRING THE PETITION OF DISTRICT OF CHARLETON AND THE GORE ADJACENT TO BE ERECTED INTO A DISTRICT.

Legislative Records of the Council, xxi., 205. Mass. Archives, cxvii., 79.

ON THE PETITION of the Inhabitants of Charleton & the Gore [*ante*, p. 516, chap. 468]

Read together with the Answer of Jonathan Tucker and Nathaniel Jones and the other papers accompanying the same and thereupon

Mass. Archives, cxvii., 77, 78. House Journal, p. 53. *Ante*, p. 516, chap. 468.

*Ordered* that the Consideration of this Petition be referred to the next Fall Session and that in the mean Time the Petitioners serve the Non resident Proprietors of Carlton and the Gore with this Petn by inserting the Substance thereof in the publick Prints three Weeks Successively that so they may Shew Cause if any they have why the Prayer thereof should not be granted. [*Passed June 8.*

## CHAPTER 37.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF ESSEX AND ALLOWING 39/8 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 205. Mass. Archives, cxx., 114.

THE COMMITTEE for letting out to farm the Excise on Spirituous Liquors in the County of Essex, reported that they had let out the same to Edward Harrington, vizt the Excise for the Current Year for £1,108 and the Excise for the Term between the 26th of December & the 26th of March last for £300, and have taken his Bonds with Sureties & lodged them in the Treasury, their Accot of Time & Expence amotg to 39/8.

House Journal, pp. 47, 48. *Ante*, p. 457, chap. 325.

Read and

*Ordered* That this report be Accepted; And That there be allowed and paid out of the Public Treasury the sum of thirty Nine shills & eight pence to the said Comtee in Discharge of their Accot exhibited. [*Passed June 8.*

## CHAPTER 38.

ORDER ALLOWING £4. 5. 8 TO BENJAMIN BILLING.

Legislative Records of the Council, xxi., 206. Mass. Archives, lxxv., 578.

A PETITION of Benjamin Billing shewing that he had two Sons in the late Expedition against Crown Point; that both of them were taken sick while in the Service, and one of them died, Praying that he may be allowed his Accot of Charge occasioned thereby, herewith exhibited.

Mass. Archives,

Read and lxxv., 577. House Journal, pp. 8, 49.
*Ordered* That there be Allowed the sum of four pounds five Shill[s] & eight pence to y[e] Petitioner & paid out of the Public Treasury for his Use to Joseph Billings in full Consideration of his Expences Mentioned. [*Passed June 8.*

## CHAPTER 39.

ORDER ALLOWING £2. 13. 4 EACH TO DIVERS SOLDIERS.

A Petition of Jeduthen Baldwin a Soldier in the late Crown Point Expedition, shewing that after the Army was disbanded he agreed to tarry during the Winter at one of the Forts near Lake George and enlisted Thirty six Men for that Service, that by a Vote of this Court of Febr[y] 24 last, the said Men are entitled to Fifty three Shillings and four pence each in Cloathing notwithstanding which Vote they are all charged by the Commissary General in the Muster Roll of said Company the whole of the Cloathing they received, Therefore praying that the said Sum may be allowed to the said Men out of the public Treasury. Legislative Records of the Council, xxi., 206. Mass. Archives, lxxv., 642. Mass. Archives, lxxv., 642. House Journal, pp. 44, 48. *Ante*, p. 448, chap. 300.

Read and
*Ordered*, That the Prayer of this Petition be granted; And That There be allowed and paid out of the Public Treasury to each of the Non Commission Officers & Soldiers born on the said Muster-Roll the sum of Two Pounds thirteen shillings & four pence, in full consideration of their Demand mentioned. [*Passed June 8.*

## CHAPTER 40.

ORDER CONTINUING THE ESTABLISHMENT AT BROAD BAY, HENDERSONS FORT AND BURTONS BLOCKHOUSE.

*Ordered* That the Establishment made by the Gen[l] Court in April last for the defence of the Inhabitants of Broad Bay, Those near Henderson's Fort at pleasant point, & Burton's Block house be & hereby is lengthened out to the first day of Nov[r] next, And That the said Number of Soldiers receive pay And subsistence to that Time Accordingly. [*Passed June 9.* Legislative Records of the Council, xxi., 207. Mass. Archives, lxxv., 656. House Journal, p. 54. *Ante*, p. 500, chap. 424.

## CHAPTER 41.

ORDER APPOINTING A COM[TEE] FOR BURNING GOVERNM[T] SECURITIES IN THE HANDS OF THE PROVINCE TREASURER.

In the House of Rep[rs] Legislative Records of the Council, xxi., 208. Mass. Archives, ciii., 483.
*Ordered*,
That M[r] Speaker, Col[o] Miller & M[r] James Foster, with such as the Hon: Board shall join be a Committee to repair to the Treasurer's in the recess of the Court, to take an Acco[t] of the Governm[t] Securities in his hands, & see the same Consumed to Ashes And to House Journal, pp. 49, 50.

give Discharges to the Treasurer therefor, & report thereon at the next Sitting of the Court.

In Council Read & Concur'd and Jacob Wendell & Andrew Oliver Esq[rs] are joined in the Affair. [*Passed June 9.*

## CHAPTER 42.

VOTE ALLOWING THE AGENTS OF THE AFFAIRS OF NOVA-SCOTIA TO SEND SICK SOLDIERS TO THE HOSPITAL ON RAINSFORD ISLAND.

Legislative Records of the Council, xxi., 208. Mass. Archives, lxxxvii., 331.

House Journal, p. 60. Province Laws, iii., 126, chap. 19. *Ante*, p. 533, chap. 12.

WHEREAS his Honour has been pleased to give Orders that such Vessels as may arrive from Nova Scotia with sick soldiers on board shall be stopped at the Castle to prevent the Infection spreading in the Province

Therefore

*Voted* that the Agents for the Affairs of Nova Scotia be at liberty to make use of the Hospital at Rainsfords Island if they see cause for the reception & accommodation of such sick Soldiers & that the Select men of Boston to whom the care of s[d] Hospital is by Law committed be directed to acquaint said Agents with this Order & to leave the care of said sick Soldiers to said Agents accordingly. [*Passed June 9.*

## CHAPTER 43.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 209.

Mass. Archives, lxxv., 340, 393, 394, 434, 493, 494, 560, 561, 562, 579, 595, 597, 598, 599, 600, 601, 602, 603, 605, 616, 618, 619, 620, 633, 634, 635, 636, 637; cv., 535. House Journal, pp. 54, 55.

*Ordered* that there be allowed & paid out of the public Treasury to William Lawrence Esq[r] for the Use of Archelaus Adams Eight Pounds sixteen Shillings. For the Use of Hezekiah Patterson Four Pounds six Shillings and eight pence, for the Use of John Hobart Forty nine Shillings and eight pence, for the Use of Simon Foster Twenty four shillings and one penny; For the Use of Thomas Chamberlain Five Pounds one Shilling, for the Use of Jonathan Peirce Three Pounds three Shillings and ten pence; for the Use of Abigail Frost Sixteen Shillings, & for the Use of John Stone Three Pounds twelve Shillings, to Capt Jabez Keep for the Use of Samuel Reed Five Pounds seven Shillings & eight pence; for the Use of Solomon Whiting Fifty Shillings; for the Use of Samuel Parker Three Pounds two Shillings, for the Use of Leonard Whiting Eighteen Shillings, To Capt Ephraim Spaulding for the Use of Asa Martin Three Pounds; for the Use of Nathaniel Butterfield Fifty four Shillings; and for the Use of Benjamin Warren Eighteen Shillings; to M[r] Samuel King, for the Use of Capt Ephraim Howlard[1] Three Pounds twelve Shillings and ten pence; to M[r] William Stickney for the Use of Abraham Osborne Three Pounds five Shillings & four pence; and for the Use of David Kitteridge Twenty eight Shillings; To William Richardson Esq[r] for the Use of Ephraim Brown Forty three Shillings & four pence, and for the Use of Richard Stuart Three Pounds three Shillings, to Moses Mercy Esq[r] for the Use of William Gordon Three Pounds, & for the Use of Samuel Freeman Three Pounds eight Shillings, To Capt Phineas Lovet for the Use of Samuel Pike Three

[1] The House Journal, p. 55, reads, "*Ephraim Howard.*"

Pounds twelve Shillings, & for the Use of David Farnum Four Pounds twelve Shillings & four pence; to Capt Joshua Hutchins for the Use of Samuel Pierce Four Pounds fourteen Shillings, To John Noyes Esq$^{r}$ for the Use of Henry Rice Three Pounds nineteen Shillings, To Timothy Bridgham Esq$^{r}$ for the Use of John Lock Fifty four Shillings and one penny, and for the Use of Ephraim Woods Forty one Shillings, To M$^{r}$ Ebenezer Barker for the Use of Asa Swan jun$^{r}$ Twenty five Shillings and four pence; To M$^{r}$ Joseph Barnard for the Use of Jonathan Carver Forty nine Shillings & eight pence; To David Stockbridge Esq$^{r}$ for the Use of Thomas Josslyn Forty Shillings, and to George Kilcup Twenty five Shillings, in discharge of the several Articles of Expences in their respective Petitions mentioned. [*Passed June 9.*

## CHAPTER 44.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BARNSTABLE COUNTY.

An Account presented by M$^{r}$ Jonathan Bacon Treasurer of the County of Barnstable for the last Year, having been by him laid before the Court of General Sessions of the Peace for said County & by them allowed,

Legislative Records of the Council, xxi., 209.

House Journal, pp. 10, 56.

Read &

*Ordered* that this Account be allowed, and that the Ballance thereof being Twenty seven Pounds seven Shillings and six pence three farthings, the said Treasurer be further Accountable to said County for. [*Passed June 9.*

## CHAPTER 45.

ORDER IMPOWERING EDMUND BAYLEY, GUARDIAN, TO SELL REAL ESTATE.

A Petition of Edmund Bailey of Newbury, Guardian of Simon Bailey a Minor, shewing that by Means of incurable Lameness the said Simon is never likely to be able to follow any Employment that will require hard Labour, and is disposed to a liberal Education, of which his Mother is desirous, praying that his Real Estate may be sold to defray the Charge thereof.

Legislative Records of the Council, xxi., 210. Mass. Archives, xix., 408.

Mass. Archives, xix., 407. House Journal, pp. 55, 56.

Read and

*Ordered* that the Prayer of the Petition be granted and that the Pet$^{r}$ in his said Capacity be and hereby is authorized and impowered to make Sale of the Premisses within mentioned to such Person as shall give most for the same and to make and Execute a good Deed or Deeds in Law Provided the Petitioner give sufficient Caution to the Judge of Probate for the County of Essex duly to apply the Produce for the use of the Minor as within mentioned. [*Passed June 9.*

## CHAPTER 46.

ORDER IMPOWERING WILLIAM MARSHAL, GUARDIAN, TO EXECUTE A DEED.

Legislative Records of the Council, xxi., 210. Mass. Archives, cv., 541.

Mass. Archives, cv., 540. House Journal, pp. 34, 35, 50.

A PETITION of William Marshal of Concord, shewing that the Petitioners Father in Law Benjamin Dean (now Dec$^{d}$) was in his Life time deprived of his Reason, and the Petitioner who married his only Daughter & Heir was legally appointed his Guardian, during which time the Pet$^{r}$ sold a Parcel of Land belonging to the said Benjamin Dean to one Benjamin Kidder without first obtaining Licence from the Superiour Court, his Wife joining with him in the Deed, praying this Court to confirm the said Sale:

Read and

*Ordered*, That y$^{e}$ Prayer of this Petition be so far granted as that the Pet$^{r}$ in his Capacity of Guardian to the said Benjamin Dean be & hereby is impowered And Authorized to make and Execute a good Warrantee Deed of the Premisses in said Pet$^{n}$ mentioned, to the said Benj$^{a}$ Kidder his Heirs & Assigns, which Deed when given shall be Deemed good And valid to make a good Title to y$^{e}$ said Kidder. [*Passed June 9.*

## CHAPTER 47.

ORDER ALLOWING THE ACCOUNT OF GUARDIANS OF PUNCAPAUG INDIANS.

Legislative Records of the Council, xxi., 210.

House Journal, pp. 45, 54. *Ante*, p. 238, chap. 171; p. 287, chap. 302.

AN ACCOMPT presented by Robert Spur Esq$^{r}$ M$^{r}$ Samuel Niles jun$^{r}$ & M$^{r}$ Joseph Billing Guardians of the Puncapaug Indians of the said Guardians Time & Expence in managing the Affairs of the said Indians.

Read &

*Ordered* that this Acco$^{t}$ be allowed & that there be paid out of the Money belonging to said Indians now in said Guardians Hands, which they received of the late Guardians, to Robert Spurr Esq$^{r}$ Thirteen Shillings & four pence, to M$^{r}$ Samuel Niles jun$^{r}$ Five Shillings & to M$^{r}$ Joseph Billing Four Pounds sixteen Shillings & eight pence, in full Discharge of what is respectively due to them; And that the said Guardians lay before this Court an Acco$^{t}$ of what Money is due to the said Indians, & from whom. [*Passed June 9.*

## CHAPTER 48.

ORDER IMPOWERING SAMUEL MORSE, GUARDIAN, TO SELL LAND.

Legislative Records of the Council, xxi., 210. Mass. Archives, xxxii., 695.

Mass. Archives, xxxii., 694. House Journal, p. 197

A MEMORIAL of Samuel Morse Guardian of Sarah Wabon of Natick a poor decripit Indian Minor, setting forth the Necessity of disposing of some of her Lands for her Support, & Praying that he may be impowered to sell so much of her Lands, given her by her Grand Mother & Mother, as will be sufficient to pay the Debts owing & for her future Mainten$^{ce}$

Read and

*Ordered* that the prayer of the Petition be So far Granted as that the petitioner (in his Said Capacity as Guardian [1] be and is hereby Impowered (under the Direction & with the assistance of the Guardians of the Natick Indians) to make Sale of So much of the Said Minors Interist in Land where it can be Spared with Least prejudice to the whole: of her Estate as in value may amount to Twenty Seven pounds and to Execute a good and Sufficient Deed or Deeds for the Conveyance thereof Provided the Petitioner give Due Caution to the Judge of Probate for the County of Middlesex that the proceeds of Such Sale be well and truly applyed for the Discharge of what has become Due for Said Minors Support hitherto & for her future maintainance and that he will be accountable to Said Judge for his proceedings in the Premisses when thereunto Lawfully Required. [*Passed June 9.*

(January, 1746); pp. 50, 55. *Ante*, p. 110, chap. 256.

## CHAPTER 49.

ORDER IMPOWERING ISAAC EVELITH, ADM^R, TO EXECUTE DEED.

A Petition of Isaac Evelith Administrator of the Estate of Isaac Evelith late of Glocester dec^d shewing that the dec^d in his life Time sold some Lands in said Town to William Parsons, but made no Deed thereof to him, that the said William sold the same Land & then died; & for as much as the Purchase Money was justly paid, praying that the Pet^r may be enabled to give a Deed of Conveyance of said Land to the Heirs of said William Parsons dec^d

Read and

*Ordered*, That the Prayer of this Petition be granted; & that y^e Pet^r be & hereby is impowered & Authorized to give a good and sufficient Deed or Deeds of y^e Lands Mentioned unto the Heirs or Assigns of y^e said William Parsons deceased, & y^t the same be & hereby are declared to be good & valid in the Law to all intents [&] [2] purposes whatsoever. [*Passed June 9.*

Legislative Records of the Council, xxi., 211. Mass. Archives, xix., 409.

House Journal, pp. 35, 45.

## CHAPTER 50.

ORDER ALLOWING £2. 5. 6 TO LIEU^T ITHAMAR HUBBALL.

A Petition of Lieutenant Ithamar Hubbal shewing that in making up the Muster Roll of the Company of Major John Ashley dec^d he omitted charging the Province with a Gun, and also thro Mistake carried out some Wages Short, Praying that Allowance may be made for such Deficiency:

Read and

*Ordered*, That there be allowed & paid out of the Public Treasury to the Pet^r the sum of two pounds five shill^s & six pence for the use of the several persons who were made up short in their Muster Roll & forty Shillings for a Gun lost as Mentioned in y^e Petition. [*Passed June 9.*

Legislative Records of the Council, xxi., 211. Mass. Archives, lxxv., 572.

Mass. Archives, lxxv., 571. House Journal, pp. 47, 51.

[1] The parenthesis should, it seems, end here.
[2] Inserted from Legislative Records of the Council, xxi., 211.

## CHAPTER 51.

ORDER RATIFYING AND CONFIRMING AN AGREEMENT BETWEEN HARDWICK & GREENWICH PROPRIETRS.

Legislative Records of the Council, xxi., 212. Mass. Archives, cxvii., 175.

Mass. Archives, cxvii., 174. House Journal, p. 48.

A PETITION of the Agents for the Proprietors of the Towns of Hardwick & Greenwich shewing that after a long Controvery about the Property of Lands within the Boundaries of the two Towns and claimed by both they are come to an amicable Agreement about the said Lands, signed & sealed by their Agents, Praying that this Court would confirm said Agreemt

Read, and

*Ordered*, That the Prayer of this Petition be granted; And yt The Said Agreemt be and hereby is ratified & Confirmed, and the same declared to be good & valid in Law to all intents & purposes whatsoever. [*Passed June 9.*

## CHAPTER 52.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF SELECTMEN OF LINCOLN.

Legislative Records of the Council, xxi., 212. Mass. Archives, cxxi., 320.

Mass. Archives, cxxi., 319. House Journal, p. 57.

A PETITION of the Select Men of the Town of Lincoln in the County of Middlesex shewing that in an Affair depending in the Court of General Sessions of the Peace between the said Town & Nathaniel Whitamore of said Place relating to the Allowance to be made to the said Whitamore for two Ways laid out by said Town thrô his Land, the Matter was left to a Rule of Court, and the Referrees gave in their Report, which was accepted by the Court, and forasmuch as the Petitioners apprehend it was founded upon some evident Mistakes, praying that the Judgment of the Court may be set aside, and the same Refferees impowered to hear the Parties anew, & the Court enabled to receive their Report. and to make up Judgment thereon and Execution be staid in the mean time.

Read and

*Ordered*, That the Petitioner serve the Adverse Party Nathl Whittemore with a Copy of this Petition that he shew Cause (if any he have) on the second Tuesday of the next sitting of this Court why the Prayer thereof Should not be granted, And That Execution be staied in the mean time. [*Passed June 9.*

## CHAPTER 53.

ORDER OF NOTICE ON WRENTHAM PETN FOR RE-HEARING A CAUSE.

Legislative Records of the Council, xxi., 213. Mass. Archives, cxvii., 179.

Mass. Archives, cxvii., 178.

A PETITION of Jonathan Whitney Agent for the Town of Wrentham shewing that at a Court of General Sessions of the Peace for the County of Suffolk in April 1754, upon Application of the Select men of the Town of Dedham an Order was passed that one Samuel Davis should be supported at the Charge of the Town of Wrentham; and for as much as the Petrs can now produce good Evidence in their

Favour which could not be obtained at the Trial, Praying that they may be admitted to a new Hearing at said Court, & that the said Court may be allowed to enter up Judgment thereon. House Journal, p. 60.

Read and

*Ordered*, That The Petitioner serve the Town of Dedham with This Petn by leaving an Attested Copy thereof with the Clerk of said Town That they shew cause (if any they have) on the second Tuesday of the next Sitting of this Court why the Prayer thereof should not be granted.[1] [*Passed June 9.*

## CHAPTER 54.

ORDER ACCEPTING REPORT OF COMMITTEE IN REGARD TO FRENCH NEUTRALS FROM NOVA SCOTIA.

In the House of Reps

*Ordered* That a Letter Communicated By his Honr the Lieut Govr to this House, from Mr Hanfield to his Exy Govr Shirley Dated Annapolis Royal May 1756[2] be Committed to the Committee appointed to Examine ye Accots offered to this Court of Charges for Supporting ye Inhabitants of Nova Scotia lately brought into this Province &c, To Consider the same and report thereon. Legislative Records of the Council, xxi., 196. Mass. Archives, xxiii., 100.

In Councill

Read and Concurred House Journal, p. 28. *Ante*, p. 535, chap. 15; p. 542, chap. 32.

The Committee having attended the within service report as their opinion that the persons referred to in mr Handfields letter to His Excellency Governour Shirley be sent to the towns of Lynn & Beverly

Which is Humbly submitted ℔ Saml Watts ℔ ordr

In Council

Read and Accepted. [*Passed June 10.*

## CHAPTER 55.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS FOR BILLETING.

A Petition of Benjamin Pickman of Salem Esqr shewing that Colo Ichabod Plaisted ordered a Number of his Regiment raised for the Crown Point Expedition who lived at a Distance, to repair to Salem in order to pass the Muster Masters Review where they were billeted Praying for Payment of the Charge of their Subsistence. Legislative Records of the Council, xxi., 212. Mass. Archives, lxxv., 645.

Read and House Journal, pp. 57, 58, 63.

*Ordered* That the Prayer of this Petition be granted, And That there be Allowed and paid out of the Public Treasury, to Benjamin Pickman Esqr for the use of Margaret Pratt Four pounds Eight shills & eight pence, for the Use of Mary Bell four Pounds sixteen shills & eight pence, for the use of Mary Henderson three Shillings & one peny, And for the use of John Lander thirty seven Shillings and four pence, in full discharge of the several Accots exhibited, amounting in the whole to ye Sum of Eleven Pounds five Shills and Nine pence. [*Passed June 10.*[3]

[1] On August 25, 1756, this petition was dismissed. — Mass. Archives, cxvii., 179.

[2] The letter referred to has not been found.

[3] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 9.

## CHAPTER 56.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE PETITION OF JOHN SHUTE AND OTHERS.

Legislative Records of the Council, xxi., 103, 213. Mass. Archives, xiii., 696.

A PETITION of John Shute, Obadiah Jenkins, James Green, Isaac Wheeler, & Benjamin Bucknam all of Malden, shewing that in the setting off & constituting of the second Parish in said Town, It was ordered that the Pet^rs (who were included within the general Bounds of the said second Parish) with their Families & Estates should continue in the first Parish, as long as they attended the Worship of God there, that the Father of the Petitioner Bucknam being dead, the second Parish have taxed him, notwithstanding his performing the Conditions above mention'd Praying that the Petitioners & their Families, their Heirs & Estates may be continued in the said first Parish.

Mass. Archives, xiii., 690, 696. House Journal, p. 363 (February, 1756); pp. 30, 66. Province Laws, xii., 439, chap. 189.

The Committee to whom was refer'd the Petition of John Shute of Malden & others, have attended that Service, fully heard the Parties &c^a & report as their Opinion that the Petition be so far granted, that Benjamin Bucknam therein mentioned have the Liberty to continue to the North Parish in said Town, and that his Polls & that part of Estate now in his Possesion, which descended to him from his Father Samuel Bucknam Dec^d be taxed to the said North Parish, and that he receive Priviledges there.

All which is humbly submitted:

BENJ^A LINCOLN per Order.

Read and Accepted. [*Passed June 10.*

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## CHAPTER 57.

RESOLVE ESTABLISHING BOUNTY FOR INDIAN SCALPS AND CAPTIVES AND VOTE GIVING THE SAME ALLOWANCE TO PERSONS NOT UNDER PAY.

Legislative Records of the Council, xxi., 213. Mass. Archives, xxxii., 730.

*Resolved*,

That There shall be allowed and paid out of the Public Treasury to any Number of the Inhabitants of this Province, not in the pay of the Government, Who shall be disposed to go in quest of the Indian Enemy, & shall before they go signify in Writing, to the Chief Military Officer of y^t part of the Province from which they shall go, their Intentions, with their Names, the following Bounty, Viz^t [1]

House Journal, pp. 48, 62, 63. *Ante*, p. 475, chap. 367.

For Every Indian Enemy that they shall kill, and produce the scalp to the Gov^r & Council in Evidence, the Sum of Three hundred Pounds.[1]

For Every Indian Enemy they shall Captivate & deliver to the Governor & Council, the sum of Three hundred and Twenty Pounds.[1] Also

*Voted*, That the same Allowance be made to private Persons who shall kill or Captivate any of the Indian Enemy, which is made to Soldiers on the Frontiers of the Province.

The foregoing Establishment to be for the space of twelve Months from this Time, provided The war shall Continue so long. [*Passed June 10.*

[1] The words "Viz^t," "Three hundred Pounds," and "Three hundred and Twenty Pounds," are underlined in Mass. Archives.

## CHAPTER 58.

ORDER ALLOWING £4 TO MIRIAM ASHLEY.

A Petition of Miriam Ashley Widow of Major Noah Ashley dec$^{d}$ shewing that when her said Husband was killed at the Battle on Lake George, divers Things about him, (contained in the Acco$^{t}$ herewith exhibited) fell into the Hands of the Enemy, praying to be allowed for the same.

Legislative Records of the Council, xxi., 214. Mass. Archives, lxxv., 661.

House Journal, pp. 62, 67.

Read and

*Ordered*, That there be allowed & paid out of the Public Treasury to the Petitioner the sum of four pounds in full Consideration of the Articles lost Referred to in the Petition. [*Passed June 10.*

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## CHAPTER 59.

ORDER IMPOWERING JOHN SPAFFORD TO ENLIST TEN MEN FOR THE PROTECTION OF INHABITANTS OF NUMBER FOUR ON CONNECTICUT RIVER.

A Petition of John Spafford in behalf of the Inhabitants of Number Four on Connecticut River, setting forth the Distress of the said Inhabitants in respect to the Indian Enemy, & that they have applied to the Government of New Hampshire, wherein they prayed for Releif, but without Effect, Praying for some Protection from this Governm$^{t}$

Legislative Records of the Council, xxi., 214. Mass. Archives, lxxv., 586.

Mass. Archives, lxxv., 585.

House Journal, pp. 50, 51, 59.

Read and

*Ordered*, That the Prayer of this Petition be so far granted as That the Petitioner have leave to inlist Ten men out of the Province of New Hampshire to be in the pay and Subsistence of this Province for the Protection of Said Inhabitants, untill they may be Supplied by Major Gen$^{l}$ Shirley, or untill the further order of this Court. [*Passed June 10.*

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## CHAPTER 60.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF MIDDLESEX COUNTY.

An Accompt presented by Daniel Russell Esq$^{r}$ Treasurer of the County of Middlesex for the last Year, Having been by him laid before the Court of General Sessions of the Peace for said County & by them allowed

Legislative Records of the Council, xxi., 214.

House Journal, pp. 10, 68.

Read &

*Ordered* that this Acco$^{t}$ be allowed, and that the Ballance thereof being One hundred & fourteen Pounds eight Shillings & two pence one farthing the said Treasurer be further accountable to said County for. [*Passed June 10.*

## CHAPTER 61.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 214.

Mass. Archives, lxxv., 295, 549, 569, 570, 632. House Journal, p. 66.

*Ordered* that there be allowed & paid out of the public Treasury to William Richardson Esq$^{r}$ for the Use of Joseph Whetcomb Three Pounds two Shillings, and for the Use of Ethan Philips Fifty four Shillings, to M$^{r}$ William Stickney for the Use of Samuel Danforth Three Pounds six Shillings, to M$^{r}$ Ebenezer Barker for the Use of John Austin [1] Fifty two Shillings & two pence, and to Joseph English Forty Shillings in full Consideration of their Expences mentioned in their sev$^{l}$ Pet$^{ns}$. [*Passed June 10.*

## CHAPTER 62.

ORDER IMPOWERING JOHN AVERY TO EXPORT PROVISIONS TO THE BAY OF HONDURAS.

Legislative Records of the Council, xxi., 214. Mass. Archives, lxv., 251.

House Journal, p. 67. Province Laws, iii., 901, chap. 30; 955, note. *Ante*, p. 270, chap. 261.

A PETITION of John Avery of Boston Merch$^{t}$ Shewing that he is fitting out the Schooner Abigail Samuel Blunt M$^{r}$ on a Voyage for the Bay of Honduras, and praying that he may be permitted to load on board said Vessel Seventyfive Barrels of Provisions for the Use of his Majesty's Subjects there.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as that the Pet$^{r}$ be allowed to ship the seventy five bar$^{ls}$ of Provisions mentioned on board the Schooner Abigail Sam$^{l}$ Blunt Master, And That the Commiss$^{r}$ of Impost be and hereby is impowered and directed to take Bonds of y$^{e}$ Pet$^{r}$ in the sum of One thousand pounds Sterl$^{g}$ that the Said Provisions be landed at the Bay of Honduras, And That the Chief Officer of said Vessel, at his return, make oath that the same was bonâ fide landed at the s$^{d}$ Bay of Honduras, & on his taking the said Oath, the said Bonds to be Cancelled. [*Passed Junè 10.*

## CHAPTER 63.

ORDER IMPOWERING JOHN RUSSELL AND JAMES NOYES TO EXPORT PROVISIONS TO THE WEST INDIES.

Legislative Records of the Council, xxi., 215. Mass. Archives, lxv., 250.

Mass. Archives, lxv., 249. House Journal, p. 61. Province Laws, iii., 901, chap. 30; 955, note. *Ante*, p. 270, chap. 261.

A PETITION of James Russell & John Noyes Merch$^{ts}$ shewing that they are fitting out the Schooner Boscawen Caleb Symmes Master to the English West Indies, praying that they may be permitted to load on board said Vessel about fifty Barrels of Pork which is suitable only for that Market.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as That the Petitioners be allowed to ship the fifty barrels of Provisions mentioned on board the Schooner Boscawen Caleb Symmes Master, & That the Commissioner of Impost be and hereby is impowered And directed to take Bonds of the Pet$^{rs}$ in the sum of One Thousand pounds sterling for landing the same at One or more of

[1] Mass. Archives reads, "John Asten."

the English West India Islands, and That upon the Chief Officer's of said Vessell at his return produc$^{g}$ a Certificate from some officer of his Majesty's Customs in s$^{d}$ Islands respectively That the S$^{d}$ Provisions have been landed there, the Said Bonds be Cancelled. [*Passed June 10.*

## CHAPTER 64.

ORDER ALLOWING £6. 7. 4 TO EZEKIEL MORGAN.

A Petition of Ezekiel Morgan a Soldier in the late Expedition shewing that his Wages were carried out short of what is due to him in the Muster Roll of Capt Jonathan Ingersol thrô Mistake, & praying that the deficiency may be made up, & his Sickness Charges allowed him.

Read and

*Ordered*, That there be allowed and paid out of the Public Treasury to the Pet$^{r}$ the sum of Six pounds seven Shillings & four pence in full Consideration of the Expences & deficient Wages mentioned. [*Passed June 10.*

Legislative Records of the Council, xxi., 215. Mass. Archives, lxxv., 573.

Mass. Archives, lxxv., 573. House Journal, pp. 63, 64.

## CHAPTER 65.

ORDER IMPOWERING JOSEPH & ZIPPORAH POIGNET, INDIANS, TO SELL LAND.

A Petition of Joseph & Zipporah Poignet of Natick Indians, shewing that by Reason of the Wounds rec$^{d}$ by the said Joseph while in his Majesty's Service & the Expence occasioned thereby he is involved in Debt, and unable to support his Family, and therefore praying that the Petitioners may be enabled to sell a Lot of Seven Acres of remote Land, for their Support.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as That the Pet$^{rs}$ be and hereby are impowered with the Advice and Assistance of the Guardians of the Natick Indians to make Sale of the seven Acres of Land Mentioned in said Pet$^{n}$ the produce thereof to be applied to the discharge of their said Debts & for the Support of themselves & family for time to Come. [*Passed June 10.*

Legislative Records of the Council, xxi., 215. Mass. Archives, xxxii., 709.

Mass. Archives, xxxii., 708. House Journal, pp. 50, 56. *Ante*, p. 110, chap. 256.

## CHAPTER 66.

ORDER IMPOWERING REBECCA MORSE, ADM$^{x}$ AND GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Rebecca Morse of Natick in the County of Middlesex Administratrix of the Estate of her former Husband Hezekiah Broad dec$^{d}$ & Guardian to his Minor Children, shewing that the said Hezekiah in his Life time sòld two Parcels of Land in Natick with a Mill & other Buildings thereon for the Payment of his Debts & Education of his Son, but the Purchaser not being able to pay the Consideration Money the said Estate which was mortgaged to the Intestate for Security is now returned into the

Legislative Records of the Council, xxi., 216. Mass. Archives, xix., 411.

Mass. Archives, xix., 410. House Journal, pp. 59, 61. Province Laws, ii., 151, chap. 10.

Family in much worse Circumstances than when sold; And therefore praying that the Petitioner may be impowered to sell the said Estate for Paym$^{t}$ of the Intestates Debts.

Read and

*Ordered* That the Prayer of this Petition be so far granted, As That the Pet$^{r}$ in her said Capacity of Admin$^{x}$ be and hereby is fully Authorized and impowered to make sale of the Lands Mill and Buildings thereon mentioned in y$^{e}$ Pet$^{n}$ to any person or persons who will give most for the same, She giving public notice of the time & place of said Sale, & in every respect Observing the Law respecting y$^{e}$ sale of Real Estates of Intestates, & to make & execute a good Deed or Deeds of Conveyance in Law of y$^{e}$ premisses; She first giving Caution to the Judge of Probate for the County of Middlesex That y$^{e}$ proceeds of said Sale shall be applied for the payment of the Debts of y$^{e}$ dec$^{d}$ And That the Overplus (if any there be) be secured for the Benefit of his Heirs. [*Passed June 10.*

## CHAPTER 67.

ORDER CONFIRMING A GRANT OF LAND TO STEPHEN NASH.

Legislative Records of the Council, xxi., 216. Mass. Archives, xxxii., 719.

Mass. Archives, xxxii., 718. House Journal, pp. 58, 66.

A PETITION of the Indian Proprietors of the undivided Lands at Stockbridge in the County of Hampshire, shewing that for the Encouragement of Stephen Nash to reside among them & carry on the Trade of a Black smith (so necessary especially in this Time of War) they have made him a Grant of Land in Conjunction with the English Proprietors, Praying that the same may be confirmed by this Court.

Read and

*Ordered*, That The Prayer of this Petition be granted; And That the Grant of the Proprietors of the undivided Lands in Stockbridge of Fifty Acres of Said Lands to Stephen Nash Mentioned in the Petition be & hereby is ratified & Confirmed to all Intents & purposes, provided the said Stephen Continue to dwell in said Town for the space of four Years from this Time. [*Passed June 10.*

## CHAPTER 68.

ORDER RESTRAINING THE FRENCH NEUTRALS FROM TRAVELLING ABOUT.

Legislative Records of the Council, xxi., 216. Mass. Archives, xxiii., 145.

Legislative Records of the Council, xxi., 208 *bis*. House Journal, pp. 68, 69. Province Laws, iii., 960, note. *Ante*, p. 529, chap. 2.

IT BEING found by Experience That the frequent Travelling and passing from Town to Town of Many of the French People (lately dispersed thro' this Province by Order of the General Court) hath been attended with considerable inconveniences, and may be introductive of much greater, it is Therefore

*Ordered* & directed, That the Select Men and Overseers of the poor be very Carefull to keep the French People from Idling & Wandering about; and none of that People shall be permitted to travel from Town to Town without leave first obtained from Two of the Select Men or Overseers of y$^{e}$ Poor where they respectively belong of which such people shall produce Certificate or Otherwise

they shall be stoped & turned back by any two English householders who are hereby impowered to examin & Stop or return them, if they have not excuse in Writing as above. [*Passed June 10.*

## CHAPTER 69.

ORDER ALLOWING £4. 10 TO JOSEPH BARKER.

A Petition of Joseph Barker a Soldier in the late Expedition against Crown Point, setting forth his great Sufferings & Losses in the Battle upon Lake George, where he was grievously wounded, & lost his Baggage &c[a] praying for proper Allowance for the same.

Legislative Records of the Council, xxi., 217. Mass. Archives, lxxv., 409.

Read And

*Ordered* That there be allowed and paid out of the public Treasury to the Pet[r] the sum of four pounds ten shill[s] in full Consideration for the Articles lost & Expences mentioned in y[e] Acc[o] Exhibited. [*Passed June 10.*[1]

House Journal, pp. 62, 67.

## CHAPTER 70.

ORDER ALLOWING £5. 8 ANNUALLY FOR THREE YEARS TO SIMON DAVIS.

A Petition of *Simon Davis* of *Greenwich*, in the County of *Hampshire*, setting forth, that having the Command of a Company in the late *Crown-Point* Expedition, he was grievously wounded in the Battle near *Lake-George*, by Means whereof he expects to be a Cripple during his Life; and that in Consideration of his Sufferings, the General Court made him a Grant in *April* last, for his then present Relief; and praying that his Circumstances may be again consider'd, and a more permanent Relief granted him in such Way and Manner, as shall be thought fit.

House Journal, p. 68. Mass. Archives, lxxv., 658.

Mass. Archives, lxxv., 658. House Journal, p. 69. *Ante*, p. 503, chap. 433.

Read and

*Ordered*, That the Petitioner be allowed out of the Public Treasury An Annual pension of five pounds eight Shillings for the Term of three Years. [*Passed June 11.*

## CHAPTER 71.

ORDER ALLOWING NATHAN THOMPSON £4 PER ANNUM FOR THREE YEARS.

A Petition of Nathan Thompson setting forth his distressed Circumstances by Reason of his Wounds received at the Battle near Lake George Praying for some further Releif from this Court.

Legislative Records of the Council, xxi., 217. Mass. Archives, lxxv., 660.

Read and

*Ordered*, That the Petitioner be allowed & paid out of the Public Treasury an Annual Pension of Four pounds ℔ Annum during the Term of three years. [*Passed June 11.*

Mass. Archives, lxxv., 660, 665. House Journal, pp. 67, 68, 69. *Ante*, p. 439, chap. 271.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is June 11.

## CHAPTER 72.

ORDER ALLOWING £4 TO JUDAH CLARKE.

Legislative Records of the Council, xxi., 218. Mass. Archives, lxxv., 574.

A PETITION of Judah Clarke setting forth his great Sufferings by the Wounds received in the Battle on Lake George, and praying for the Compassion of this Court in granting him some further Releif.

House Journal, pp. 54, 70, 71. *Ante*, p. 436, chap. 265.

Read and

*Ordered*, That there be allowed and paid out of the public Treasury to the Petitioner the sum of Four pounds in Consideration of his sufferings, for the present year. [*Passed June 11.*

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## CHAPTER 73.

VOTE DESIRING HIS HONOUR THE LIEUT. GOVERNOUR TO ORDER THE INLISTMENT OF FORTY THREE MEN TO GARRISON FORT HALIFAX AND THE STOREHOUSE ON KENNEBECK RIVER.

Legislative Records of the Council, xxi., 218. Mass. Archives, lxxv., 663.

*Voted*,

That his Honour the Lieu[t] Governor be desired to give Orders to Cap[t] William Lithgow for inlisting forty three men to relive those who have been posted at Fort Hallifax & the Store House on Kennebeck River for near two Years, and that there be paid to each Man who shall inlist three Dollars, and that the men be discharged at the expiration of twelve months from the Time of their Inlistment, & that the said 43 men now there be discharged as soon as Others shall arrive to supply their place. [*Passed June 11.*

House Journal, pp. 71, 72. *Ante*, p. 246, chap. 199.

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## CHAPTER 74.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF THE COUNTY OF DUKES COUNTY.

Legislative Records of the Council, xxi., 218.

AN ACCOMPT presented by Zacheus Mayhew Esq[r] Treasury[1] of Dukes County for the last Year, having been by him laid before the Court of General Sessions of the Peace for said County & by them allowed.

House Journal, pp. 10, 70.

Read &

*Ordered* that this Acco[t] be allowed, and that the Ballance thereof being Three Shillings & six pence the said County be accountable to said Treasurer for. [*Passed June 11.*

[1] *Sic.*

# CHAPTER 75.

ORDER ALLOWING NATHAN THOMPSON TO RECEIVE HIS FIRST YEAR PENSION AT ONCE.

A Petition of Nathan Thompson setting forth his present great Necessity of Money, and therefore praying that he may be now allowed at least some part of the Money granted him by this Court upon his Pet$^{n}$

Read &

*Ordered* that the Prayer of this Petition be so far granted, as that the Pet$^{r}$ be allowed to receive his first Years Stipend of Four Pounds referred to in the Petition at present in Consideration of his being in great Want of Money. [*Passed June 11.*

Legislative Records of the Council, xxi., 219.

House Journal, pp. 71, 72. *Ante*, p. 557, chap. 71.

# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE FIRST DAY OF JULY, A.D. 1756.

## CHAPTER 76.

ORDER DISCHARGING SAM[L] BOND AND STEPHEN WESSON FROM IMPRISONMENT.

Legislative Records of the Council, xxi., 223. Mass. Archives, cxvii., 186.

Mass. Archives, cxvii., 185. House Journal, pp. 76, 77, 78. *Ante*, p. 550, chap. 52.

A PETITION of Samuel Bond & Stephen Wesson of Lincoln shewing that upon a Petition of the Select Men of said Town for a new Hearing of a Cause between the said Town & Nathaniel Whittamore, this Court ordered that Execution on a Judgment obtained by the said Whittamore against the said Town should be stayed 'till the Matter was heard by this Court, that the said Whittamore, notwithstanding he was informed of said Order by some that had seen it, immediately caused Execution to be served on the Petitioners & then hastned out of the Province, Praying that the Petitioners who are imprisoned, may be discharged or otherwise releived.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as That the Petitioners Sam[l] Bond & stephen Wesson be discharged from their imprisonment on said Writt of Execution, provided they give sufficient bond to the Sheriff of the County of Middlesex to Answer the final Judgment on the said Demand; And the Keeper of his Majesty's Goal in said County is hereby enjoined to discharge them Accordingly. [*Passed July 2.*

## CHAPTER 77.

ORDER GRANTING TO PHEBE RICHARDSON LICENCE TO KEEP AN INN.

Legislative Records of the Council, xxi., 224. Mass. Archives, cxi., 388.

Mass. Archives, cxi., 387. House Journal, pp. 77, 78.

A PETITION of Phebe Richardson Widow shewing that her late Husband kept an Inn in the Town of Woburn in a Place very commodious for Travellers and was furnished with a large Stock for that Business at the Time of his Decease, Praying that the Court of General Sessions of the Peace for the County of Middlesex may be impowered to grant the Pet[r] a Licence.

Read and

*Ordered* that the Court of Gen[l] Sessions of the Peace next to be holden within and for the County of Middlesex be and they hereby are impowered (if they think fit[1] to grant Licence to the within named Phebe to be an inholder in the Town of Woburn, and to give pub-

[1] The parenthesis should, it seems, end here.

lick Entertainment in the House where she now dwells, the time for granting Licences being elapsed notwithstanding. And Liberty is hereby granted to the said Phebe to keep such House of publick Entertainment in the mean time. [*Passed July 2.*

## CHAPTER 78.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Ordered* that there be paid out of the public Treasury to M^r^ Francis Whipple for the Use of Gershom Fay Forty seven Shillings & eight pence, for the Use of Jason Badcock Fifty two Shillings & eight pence, and for the Use of Anna M^c^Allester Forty nine Shillings; To M^r^ Ephraim Spaulding for the Use of Oliver Adams Forty nine Shillings, To Cap^t^ John Brown for the Use of Joshua Barton Three Pounds twelve Shillings, To William Lawrence Esq^r^ for the Use of Benaiah [Hudson][1] Fifty four Shillings & four pence, To M^r^ David Marsh for the Use of Stephen Webster Fifty four Shillings & two pence To William Richardson Esq^r^ for the Use of Aaron Dresser Four Pounds six Shillings & five pence, & to M^r^ Eliphalet Whiting for the Use [of][1] John Cox Thirty two Shillings in full Discharge of the several Acco^ts^ of Expences &c^a^ exhibited in their respective Petitions. [*Passed July 3.*

Legislative Records of the Council, xxi., 225.

Mass. Archives, lxxv., 395, 567, 593, 670, 671, 683, 686, 689, 700. House Journal, p. 81.

## CHAPTER 79.

ORDER ALLOWING THE ACCOUNT OF THE COMMISSIONER OF STAMP DUTIES.

An Accompt presented by M^r^ James Russel Commissioner of the Stamp Duties, containing the several Articles of Receits, as also of Payments & Expences for the last Year, amounting to the Sum of £979.11.9½.

Read and

*Ordered*, That this Accompt be allowed. [*Passed July 3.*

Legislative Records of the Council, xxi., 225. Mass. Archives, ciii., 437.

House Journal, pp. 42, 79. Province Laws, iii., 867, chap. 8; iv., 86, chap. 33; 140, note. *Ante*, p. 513, chap. 457.

## CHAPTER 80.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF YORK AND ALLOWING £3. 19. 6 FOR THE EXPENSE THEREOF.

The Committee appointed to let out to farm the Excise on strong Liquors &c^a^ in the County of York reported that they had agreed with Capt Ichabod Goodwin for the same, viz^t^ for the Excise from the 26^th^ of December 1755 to the 26^th^ of March 1756, the Sum of £47.10/ and for the Excise for the present Year the Sum of £200, and had taken Bonds of him with Sureties & lodged them in the Treasury, their Acco^t^ of Time & Expence therein amounting to £3.19.6.

Read, and

*Ordered*, That this Report be Accepted, And That there be allowed

Legislative Records of the Council, xxi., 225. Mass. Archives, cxx., 115.

House Journal, p. 85. *Ante*, p. 459, chap. 332.

[1] Inserted from the House Journal, p. 81.

And paid out of the Public Treasury the sum of three pounds Nineteen Shillings & six pence to the s[d] Com[tee] in discharge of their Acco[t] exhibited. [*Passed July 3.*

## CHAPTER 81.

ORDER IMPOWERING EDMUND FROST, ADM[R], TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 226. Mass. Archives, xix., 417.

Mass. Archives, xix., 416. House Journal, pp. 79, 80, 81. *Ante*, p. 346, chap. 46.

A PETITION of Edmund Frost Administrator of the Estate of John Pattin dec[d] shewing that Elizabeth Pattin late Administratrix obtained Liberty of the General Court to sell about Sixty Acres of Land belonging to the said Estate for Payment of the deceaseds Debts; but died before she sold said Land, Therefore praying that the Petitioner may be enabled to sell the said Land (which lies in the Town of Shrewsbury) for paying the said John Pattins Debts.

Read and

*Ordered*, That y[e] prayer of this Pet[n] be so far granted as y[t] y[e] Pet[r] in his said Capacity be and hereby is fully impowered to make Sale of the Buildings & Lands in s[d] Pet[n] mentioned for y[e] most the same will fetch, & to make & execute a good & sufficient Deed or Deeds of the same; Provided he give sufficient Caution to the Judge of Probate for the County of Worcester, That y[e] overplus money arising by said Sale (after the just Debts due from the said Estate are paid) be distributed to & among the Children & Legal representatives of the S[d] John Patten deceased according to Law. [*Passed July 3.*[1]

## CHAPTER 82.

ORDER APPOINTING A COM[TEE] TO EXAMINE ACCO[TS] OF TAVERNERS AND OTHERS FOR THE ENTERTAINMENT OF SOLDIERS.

Legislative Records of the Council, xxi., 227. Mass. Archives, cxi., 389.

House Journal, pp. 8, 88. *Ante*, p. 432, chap. 256.

In the House of Rep[s]

*Ordered*, That M[r] Paine, Cap[t] Sprague & Cap[t] Richardson with such as the Hon[ble] Board shall join be a Committee to examine the Acco[ts] from Taverners & others Who entertained the Sold[rs] the last Year, on their return from the Crown-point Expedition & report.

In Council Read and Concur'd and Ezekiel Cheever and Rich[d] Cutt Esq[rs] are joined in the Affair. [*Passed July 6.*

## CHAPTER 83.

ORDER IMPOWERING BENJAMIN AND EDWARD DAVIS TO EXPORT PROVISIONS TO ESSEQUEBO.

Legislative Records of the Council, xxi., 227. Mass. Archives, lxv., 254.

House Journal, p. 88.

A PETITION of Benjamin & Edward Davis of Boston Merch[ts] shewing that they are fitting out the Brig[ne] Middleburgh Richard Humphreys Master for the Port of Esqueb near Surinam; Praying that they may be permitted to send in the said Vessel a Quantity of Provisions to that Place.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is July 5.

Read and

*Ordered*, That y^e^ prayer of this Petition be granted; & that the Pet^rs^ have liberty to ship the Provisions mentioned on board the Brig^t^ Middleburgh, Richard Humphrys Master, And that the Commissioner of Impost be and he hereby is impowered & directed to take Bond of One Thousand Pounds Sterling of the Pet^rs^ for landing the same at the Port of Esquebc, and that the Chief Officer of said Vessell at his return make oath that the said Provisions were bona fide landed there, and on his taking the said Oath the Bond mentioned shall be Cancelled. [*Passed July 6.*

Province Laws, iii., 901, chap. 30; 955, note. *Ante*, p. 270, chap. 261.

## CHAPTER 84.

ORDER IMPOWERING JOSEPH EVELITH, ADM^R^, TO SELL LAND.

A Petition of Joseph Evelith Administrator of the Estate of David Evelith late of Rutland dec^d^ shewing that the said David left no personal Estate but his Cloathing, nor other Real Estate than Eighty six Acres of Land under Mortgage for the Payment of the Money contracted for the Purchase, Praying that the Pet^r^ may be impowered to sell the same for that End.

Legislative Records of the Council, xxi., 227. Mass. Archives, xix., 415.

Read and

*Ordered* that the Prayer of this Petition be so far granted as that the Petitioner in his Capacity be, and he hereby is Impowered to make Sale of the within mentioned Lands to Enable him to pay the Dec^d's^ Debts and to make and Execute a good & Sufficient Deed or Deeds of Conveyance thereof in y^e^ Law, he observing the Directions of y^e^ Law respecting the sale of Real Estates by Ex^s^ and adm^s^ and giving Sufficient Caution to the Judge of Probates for y^e^ County of Worcester to account with him for y^e^ Produce thereof. [*Passed July 6.*

Mass. Archives, xix., 414. House Journal, pp. 86, 87 *bis*, 88. Province Laws, ii., 151, chap. 10.

## CHAPTER 85.

ORDER ALLOWING £19. 17. 4 TO W^M^ HURSTON AND £5. 6 TO JOHN KNOX.

*Ordered*, That there be allowed and paid out of the Public Treasury to William Hu[r]ston the sum of Nineteen Pounds seventeen shillings & four pence And to John Knox the sum of five Pounds six Shillings, in discharge of their Acco^ts^ of Entertainment to Sold^rs^ on their return from the Forts near Lake George. [*Passed July 7.*

Legislative Records of the Council, xxi., 229. Mass. Archives, lxxxix., 207.

House Journal, p. 93. *Ante*, p. 562, chap. 82.

## CHAPTER 86.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Ordered* that there be allowed & paid out of the public Treasury to M^r^ Eliphalet Whiting for the Use of John Ellis Eleven Pounds sixteen Shillings, To Josiah Johnson Esq^r^ for the Use of John Lilly

Legislative Records of the Council, xxi., 229.

Mass. Archives, lxxv., 594, 651, 657, 687, 688. House Journal, p. 91.

Thirteen Shillings, To Capt Ithamar Hubbel for the Use of Charles Adams Thirty four Shillings; To M^r^ Ebenezer Barker for the Use of William Morse Thirty Shillings and seven pence, and to Robert Dodge Twenty six Shillings; and to Capt John Whitney for the Use of Thomas Wright Forty Shillings in discharge of the Accounts of Expences in their several Petitions exhibited. [*Passed July 7.*

## CHAPTER 87.

VOTE DESIRING HIS HONOUR THE LIEUT. GOVERNOUR TO ORDER THE RETURN OF SOLDIERS TO CAPT. GOODWIN'S COMPANY.

Legislative Records of the Council, xxi., 230. Mass. Archives, lxxv., 722.

A PETITION of Thomas Hancock Esq^r^ & others Proprietors of Lands Eastward representing the great Disadvantages to the Inhabitants of the Lands lying between the Rivers of Kennebeck & Damarascotta by the removal of so many of the Forces destined for those Parts to Brunswick, S^t^ Georges & parts adjacent, pray^s^ that they may be ordered to their first Station.

Read and

Mass. Archives, lxxv., 720. House Journal, pp. 89, 90, 92. *Ante*, p. 531, chap. 8.

*Voted*, That his Honour the Lieut^t^ Governor be desired to Order the fourteen men taken out of Cap^t^ Goodwin's Company to Guard the Inhabitants of Brunswick be returned to the said Cap^t^ Goodwin's Company again And that the seven men taken out of said Cap^t^ Goodwin's Company to Guard the Inhabitants of Broad-Bay be returned to the said Company again. [*Passed July 7.*

## CHAPTER 88.

VOTE DESIRING HIS HONOUR THE LIEUT GOVERNOR TO ORDER THE ENLISTMENT OF TEN INHABITANTS OF NEW GLOCESTER.

Legislative Records of the Council, xxi., 230.

A PETITION of Philemon Warner & Nathaniel Allen in behalf of the Inhabitants of New Glocester, setting forth their exposed Condition in respect to the Indian Enemy, praying that some of the said Inhabitants may be put into the Pay of the Province, to be employed for their Defence or that this Court would grant them other Releif under their Difficulties.

House Journal, pp. 35, 43. *Ante*, p. 542, chap. 30.

Read &

*Voted* that such of the Inhabitants of a Place called New Glocester in the County of York as are effective for the Service (one of whom to be a Serjeant) be put into the pay & Subsistence of the Government, ten only at the same time, the said Ten to be employed in scouting for the Protection of the said Inhabitants 'till the last day of October next, And that his Honour the Lieuten^t^ Governour be desired to give Directions accordingly. [*Passed July 7.*

## CHAPTER 89.

ORDER IN REGARD TO TAXES IN THE TOWN OF DUNSTABLE.

A Petition of the Select Men of the Town of Dunstable setting forth that for want of proper Officers in the said Town for collecting the Province & County Taxes for the Year 1754, [Said taxes have not been Collected & paid][1] and therefore praying that the Province Treasurer & the Treasurer of the County of Middlesex may be impowered & directed to add said Taxes to the Tax of the present Year, & issue Warrants accordingly:

Legislative Records of the Council, xxi., 231. Mass. Archives, cxvii., 195.

House Journal, pp. 85, 94. Province Laws, iii., 1054, note.

Read and

*Ordered*, That y^e^ prayer of this Petition be granted, And That the Province Treasurer be directed to add the Province Tax of y^e^ Town of Dunstable for the year 1754 to their present Years province Tax & to issue his Warrant accordingly: And That y^e^ Treasurer for the County of Middlesex add y^e^ S^d^ Town's County Tax for y^e^ S^d^ year 1754 to their County Tax for y^e^ present year And issue his War^t^ to y^e^ Assessors of s^d^ Town Accordingly. [*Passed July 7.*

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## CHAPTER 90.

ORDER OF NOTICE WITH STAY OF ALL PROCEEDINGS ON THE PETITION OF FRANCIS DODGE AND OTHERS OF BROOKFIELD, IN REGARD TO TAXES.

A Petition of Francis Dodge & others shewing that they joined with the second Parish in Brookfield upon Encouragement given them by a Vote of the said Parish that they should not be taxed for any Charges arisen before their joining with them, notwithstanding which the said Parish have taxed the Petitioners for several Charges arisen before their being concerned with them & in other respects have treated them otherwise than they expected, Praying that this Court would free them from s^d^ Taxes.

Legislative Records of the Council, xxi., 231. Mass. Archives, cxvii., 188.

Mass. Archives, cxvii., 187, 190; cccliii., 78. House Journal, p. 91.

Read and

*Ordered*, That the Petitioners Notify the Second Precinct in Brookfield of this Pet^n^ by leaving an Attested Copy thereof, with the Clerk of s^d^ Precinct that they shew Cause (if any they have) on the second Wednesday of y^e^ next sitting of this Court, why the Prayer thereof should not be granted, And That all proceedings relating to y^e^ Petitioners Taxes mentioned be staied in the mean time.[2] [*Passed July 7.*

[1] Inserted from Mass. Archives, cxvii., 195.

[2] At the hearing, August 20, 1756, this petition was dismissed. See House Journal, p. 132, August 20, 1756; also Legislative Records of the Council, xxi., 247.

## CHAPTER 91.

ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative Records of the Council, xxi., 231.

House Journal, p. 94.

*Ordered* that all Matters that had Day at the present Sitting of the Court, and have not been passed on or shall not be passed upon before the Court rise, be referred & have the same day at their next Sitting. [*Passed July 7.*

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## CHAPTER 92.

ORDER ALLOWING £7. 8. 11 TO THE SELECTMEN OF DISTRICT OF DANVERS.

Legislative Records of the Council, xxi., 230. Mass. Archives, xxiii., 161.

Mass. Archives, xxiii., 160, 161. House Journal, pp. 92, 95. *Ante*, p. 409, chap. 204.

A MEMORIAL of Daniel Epes jun$^{r}$ in behalf of the District of Danvers shewing that the maintenance of the Wife of Cornelius Cavenaugh & his Children (ordered there by the General Court) does very much exceed the Wages due to said Cavenaugh, Praying that the Ballance may be paid to said District:

[Read &]

*Ordered*, That the Prayer of the Memorial be so far granted as that there be allowed and paid out of the public Treasury to the Memorialist the sum of Seven pounds eight Shillings & eleven pence in discharge of the Acco$^{t}$ Annexed: Also y$^{t}$ the said Woman & her two Children be sent to the Work house in the Town of Salem the Charge which may arise thereon besides her earnings to be paid as this Court shall hereafter Order. [*Passed July 8.*[1]

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## CHAPTER 93.

VOTE DESIRING HIS HONOUR THE LIEUT GOVERNOUR TO APPOINT A PUBLIC FAST.

Legislative Records of the Council, xxi., 232.

House Journal, pp. 95, 96. Love's Fast and Thanksgiving Days of New England, p. 497.

THE PRESENT STATE of our Nation and of the English Colonies in North America, & of this Province in particular by Reason of the great Preparations made & making against us by our French & Indian Enemies, loudly admonish us of our Duty to acknowledge the righteous Hand of God in these Dispensations of Providence, and the Time of Action of the Forces raised by this & the Neighbouring Governments for recovering their just Rights out of the Hands of their Enemies, being probably very near, the Voice of Providence seems to call on us to seek to God for his Blessing upon our Important Undertakings, without which we have no Ground to hope for Success,

Therefore

*Voted* that his Honour the Lieuten$^{t}$ Governour be desired with the Advice of the Council, to appoint as soon as may be convenient a day of public Fasting & Prayer for imploring the Mercy of God towards us in the Pardon of our Sins, the Interposition of his divine Power & Wisdom for the defeating the Designs of our Enemies

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is July 7.

against us, and restoring to us the quiet & peaceable Enjoyment of the good Land God has graciously given us, and that all Servile Labour & Recreations be forbidden on said Day.[1] [*Passed* * *July 8.*

## CHAPTER 94.

ORDER ON THE PET^N^ OF EBENEZER STEDMAN & OTHERS, GUARDIANS, IN REGARD TO SETTLEMENT OF AN ESTATE.

A Petition of Ebenezer Stedman & others, Heirs of John Stedman of Cambridge dec^d^ and Guardians of such of the Heirs as are in their Minority shewing that according to the Will of the said John, his real Estate remaining after the Death of his Wife, (who is now deceased) should be equally divided among his Heirs &c^a^ but the Number of the Heirs being Ten a Division was found utterly impracticable without spoiling the whole, therefore the Heirs of Age, & the Guardians of such as are under Age have agreed that the whole should be settled on the said Ebenezer, he to pay the rest their respective Parts, according to Apprizment, to be made by indiffent Persons, w^ch^ has been accordingly done, to the Acceptance of all concerned, Praying this Court w^d^ allow & confirm the same.

Legislative Records of the Council, xxi., 232. Mass. Archives, xix., 419.

Mass. Archives, xix., 418. House Journal, p. 96.

read &

*Ordered* that the prayer of the Petition be granted & the Guardians of such of the Parties interested as are in their minority hereby are fully authorised & impowered in their s^d^ Capacity (in conjunction with the other divisees or persons interested who are of lawful age [)][2] to release to the s^d^ Ebenezer the s^d^ minors interest in s^d^ estate He paying or securing to be paid their respective proportions of the apprised value thereof & thereupon to discharge him of the same & that such deed of release shall to all intents & purposes be as valid in law as if the same had been given by s^d^ minors after they had been of lawful age. [*Passed July 8.*

## CHAPTER 95.

VOTE DESIRING HIS HONOUR THE LIEUT. GOVERNOUR TO GIVE ORDERS FOR THE PROTECTION OF THE INHABITANTS OF HUNTS TOWN.

A Petition of Chileah Smith in behalf of the Inhabitants of the Plantation called Hunts Town, setting forth their great Danger from the Indians & their Inability to defend themselves & praying for Releif.

Legislative Records of the Council, xxi., 233. Mass. Archives, cxvii., 116.

Read and

*Voted*, That his Hon^r^ the Lieu^t^ Gov^r^ be desired to give Directions to Col^o^ Israel Williams That he order a suitable number of y^e^ Forces destined to scout on the Western Frontiers, for y^e^ Protection of the Petetioners & Inhab^ts^ of s^d^ Place as he shall Judge Necessary. [*Passed July 8.*

Mass. Archives, cxvii., 113, 115, 117. House Journal, pp. 95, 97. *Ante*, p. 472, chap. 364.

[1] The fast was appointed July 22, 1756, and was public.

[2] Inserted from Legislative Records of the Council, xxi., 233.

# RESOLVES, ORDERS, VOTES, ETC.

## PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE ELEVENTH DAY OF AUGUST, A.D. 1756.

## CHAPTER 96.

ORDER ACCEPTING REPORT OF COMMITTEE APPOINTED TO BURN GOVERNMENT SECURITIES AND DISCHARGING THE PROVINCE TREASURER OF THE SUM OF £25,172. 8. 3.

Legislative Records of the Council, xxi., 237. Mass. Archives, cliii., 486.

Mass. Archives, cliii., 485. House Journal, p. 103. *Ante*, p. 545, chap. 41.

REPORT of burning Government Securities, which were paid off, viz$^{t}$

Boston July 16. 1756: Received of M$^{r}$ Treasurer Gray Governm$^{t}$ Securities that were redeemable the 20$^{th}$ January 1754, amounting to Three hundred Pounds eighteen Shillings, The Interest paid thereon Fifty four Pounds nine Shillings & eleven pence, making in the whole Three hundred & fifty five Pounds seven Shillings & eleven pence; Also Government Securities that were redeemable May 1. 1755, amounting to Three hundred thirty five Pounds six shillings, which with the Interest of Twenty four Pounds five Shillings & five pence, amounts to Three hundred fifty nine Pounds eleven Shillings & five pence; Also Government Securities that were redeemable May 10. 1756, amounting to Thirteen Thousand six hundred & seventeen Pounds four Shillings and ten pence, which with the Interest of Four hundred & twenty three Pounds two Shillings & six pence, paid thereon, makes Fourteen Thousand and forty Pounds seven Shillings & four pence; also Government Securities, that will be due y$^{e}$ 1$^{st}$ of Decemb$^{r}$ next, amounting to One Thousand five hundred thirty three Pounds nineteen Shillings and ten pence, which with the Interest of Eighty six Pounds three Shillings and nine pence paid thereon makes Sixteen hundred & twenty Pounds three Shillings & ten pence; also Government Securities that will become due on the 1$^{st}$ of January 1757, amounting to Eight Thousand three hundred thirty three Pounds eighteen Shillings & eleven pence, which with the Interest of Four hundred sixty two Pounds nineteen Shillings and one penny makes Eight Thousand seven hundred ninety six Pounds eighteen Shillings; All which Securities with the Interest paid thereon amount to the Sum of Twenty five Thousand one hundred seventy two Pounds eight Shillings & three pence, Which we have seen burned & consumed to Ashes:

JACOB WENDELL, ANDREW OLIVER
THOMAS HUBBARD, SAMUEL MILLER
JAMES FOSTER,

Read and

*Ordered*, That this Report be Accepted, and That the Treasurer of the Province be discharged of the Sum of Twenty five thousand one hundred & seventy two Pounds eight Shill$^{s}$ & three pence accordingly. [*Passed August 13.*

## CHAPTER 97.

VOTE FOR BUILDING A FENCE AROUND THE POWDER HOUSE IN BOSTON AND A WATCH HOUSE NEAR IT AND APPOINTING A COMMITTEE THEREFOR.

*Voted* That for the better Security of the Powderhouse at the bottom of the Common in the Town of Boston, There be be [1] (with the leave of his Excellency the Cap[t] General) a Picket Fence built round the same of about eight feet high above the Ground & at about sixty feet distance from the house, and That a Watch house be built at a suitable place near it & be constantly kept by a sufficient number of Good Men to guard it; And That a Com[tee] be appointed for effecting the same accordingly: The said Com[tee] also to Cause such repairs to be made on said House for security of y[e] Powder therein as they shall find Necessary

Legislative Records of the Council, xxi., 238. Mass. Archives, lxxvi., 43.

House Journal, pp. 102, 104, 107.

In Council Read and Concurd & Andrew Oliver Esq[r] with such as y[e] hon[ble] house shall join be a Comm[ee] for the purposes abovement[d]

In the House of Represent[s]

Read and Concurred, And M[r] Speaker & M[r] Flucker are joined in the affair. [*Passed August 13.*

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## CHAPTER 98.

ORDER IMPOWERING SARAH SHILLABER, ADM[x], TO EXECUTE A DEED.

A Petition of Sarah Shillaber of Danvers, shewing that she was impowered by the General Court as Administratrix of her late Husband William Shillaber dec[d] to give a Deed for conveying a common Right in the great Paster in Salem (so called) to Samuel Bell for which he had agreed with the said William in his Life time, that the Petitioner executed a Deed accordingly; but it now appears that the Petitioner's Husband had procured the said Right to be set off in a Subdivision of the said great Pasture, commonly called the Horse Pasture, Praying that she may be impowered to give a new Deed to the said Samuel Bell.

Legislative Records of the Council, xxi., 238. Mass. Archives, xix., 423.

Mass. Archives, xix., 421. House Journal, pp. 102, 103, 108. Province Laws, xiv., 363, chap. 250.

Read and

*Ordered*, That the Prayer of this Petition be granted; & That the Pet[r] be and hereby is impowered in her Said Capacity of Admin[x] to make and execute a good & Sufficient deed of Conveyance of the Common Right mentioned to the said Samuel Bell & his Heirs, and that the same be & hereby is declared to be good & Valid in the Law to all Intents & purposes whatsoever. [*Passed August 14.*

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## CHAPTER 99.

ORDER IMPOWERING ABIGAIL BROWN, GUARDIAN, TO EXECUTE A DEED.

A Petition of Abigail Brown of Salem, Widow & Guardian to the four youngest Children of William Brown dec[d] shewing that the said Minors are interested in Common with the other Children,

Legislative Records of the Council, xxi., 238[a]. Mass. Archives, xix., 425.

[1] *Sic.*

Mass. Archives, xix., 424. House Journal, pp. 100, 101, 104, 105. Province Laws, ii., 151, chap. 10.

in one half part of an old dwelling House, and a small Peice of Land adjoining, that the House is much out of Repair, and very unprofitable to the said Minors as it lies, Therefore Praying that the Pet$^{r}$ may be impowered to sell the said Minors part.

Read and

*Ordered*, That the Prayer of this Petition be granted; and That the Pet$^{r}$ be and She hereby is impowered in her said Capacity of Guardian to make and Execute a good & sufficient Deed of sale in the Law of the said Minors interest in the House & Land mentioned to such person or persons who shall appear to give the most for the same, She Observing the Directions of the Law relating to y$^{e}$ sale of real Estates by Executors & Administrators, and giving Sufficient Caution to the Judge of Probate for the County of Essex that the produce thereof together w$^{th}$ y$^{e}$ Interest arising thereon be paid to the said Minors as they shall respectively arrive at Lawful Age. [*Passed August 14.*

## CHAPTER 100.

ORDER IMPOWERING JONATHAN BROWNELL, GUARDIAN, TO EXECUTE A DEED.

Legislative Records of the Council, xxi., 189, 238$^{a}$. Mass. Archives, xix., 395.

A PETITION of John Walker and others of Dartmouth, shewing that he purchased about the Year 1750, of William Brownell (since deceased) some Peices of Land, and paid the Consideration agreed on therefor, but thrô his own Neglect, omitted taking a Deed of Conveyance thereof; althô the said William Stood ready to execute the same, Praying that some Person may be authorized to make a lawful Conveyance of said Land to him & his Heirs.

Mass. Archives, xix., 394, 396. Legislative Records of the Council, xxi., 238$^{a}$. House Journal, pp. 86, 109.

Read and it appear$^{g}$ that the Guardian of the Children within named has been Served with a Copy of this Petition and thereon Certified his Consent thereto

*Ordered* that the Prayer of the Pet$^{n}$ be granted and that Jonathan Brownell in his within mentioned Capacity be and he hereby is impowered to execute in due form of Law a Deed for Conveyance of the Premisses within mentioned to the Petitioner John Walker and that such Instrument being duly acknowledged and Recorded in the Registry of Deeds for the County where the Estate lies shall make a good Title to him his Heirs and Assigns forever. [*Passed August 14.*

## CHAPTER 101.

ORDER GRANTING TO CHARLES FLORENCE LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xxi., 238$^{b}$. Mass. Archives, cxx., 117.

A PETITION of Charles Florence of Lyn, shewing that he has obtained the Approbation of the Select Men of said Town, for retailing of spirituous Liquors there, but thrô Mistake came too late to have a Licence from the Court of General Sessions of the Peace for the County of Essex, they being adjourned without day. Therefore Praying that the said Court may be impowered to grant him a Licence at their next Term.

Mass. Archives, cxx., 117. House Journal, p. 105.

Read And

*Ordered*, That the Prayer of this Pet$^{n}$ be so far granted, that the Court of General Sessions of the Peace for the County of Essex be and hereby are impowered att their next Term (if they see fitt) to Licence the Petitioner to retail spirituous Liquors in the Town of Lyn he first Obtaining the Approbation of the select men of s$^{d}$ Town, the Time for granting Licences being elapsed notwithstanding. [*Passed August 14.*

## CHAPTER 102.

ORDER ALLOWING £5. 13 TO CAP$^{T}$ DANIEL BREWER.

A Petition of Cap$^{t}$ Daniel Brewer, shewing that he committed a Sum of Money as Bounty for inlisting Soldiers in the late Expedition to one Hezekiah Collar a Soldier in his Company, who died while he was employed in that Service, Praying that the Petitioner may be allowed so much out of said Collars Wages as he fell in Debt to him on that Account.

Legislative Records of the Council, xxi., 238b. Mass. Archives, lxxvi., 14.

Read &

Mass. Archives, lxxvi., 13. House Journal, pp. 100, 105.

*Ordered*, That the Prayer of this Petition be so far granted as that the Pet$^{r}$ be and hereby is impowered by himself or his Order to receive of y$^{e}$ Province Treasurer the sum of five pounds thirteen shillings part of the Wages due to the said Hezekiah Coller as born on the Muster Roll of his Company being the sum which it appears was due to the Petitioner from the said Coller by their last Settlement; and the Treasurer is hereby directed to pay the same Accordingly. [*Passed August 17.*[1]

## CHAPTER 103.

ORDER IMPOWERING PHILIP WHEELER TO DRAW THE WAGES OF PELEG CHURCH, INDIAN.

A Petition of Philip Wheeler of Rehoboth shewing that an Indian Serv$^{t}$ of his named Peleg Church inlisted under Cap$^{t}$ James Andrews in the late Expedition against Crown Point and afterwards into the Company of Cap$^{t}$ Seth Cushing at Fort William Henry, and died in the Service, and in neither of the Rolls of the said Captains is he made up as a Servant, praying that this Court would impower him to receive his Wages as in the said Muster Rolls,

Legislative Records of the Council, xxi., 239. Mass. Archives, lxxvi., 11.

House Journal, pp. 111, 114, 115.

Read And

*Ordered*, That the Prayer of the Petition be granted, And that the Pet$^{r}$ be & he hereby is impowered to draw the Wages of the said Peleg Church as they stand on the Muster Rolls of Cap$^{t}$ Andross and Cap$^{t}$ Cushing and y$^{t}$ the Treasurer be directed to pay the same Accordingly. [*Passed August 17.*

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is August 14.

## CHAPTER 104.

ORDER ALLOWING £20 TO THE SELECT MEN OF PROVINCE TOWN.

Legislative Records of the Council, xxi., 243. Mass. Archives, xiii., 780.

House Journal, pp. 100, 111, 117.

A PETITION of the Select Men of Province Town shewing that they have been destitute of a stated Minister for many Years in said Town for want of Ability to support one, Praying that this Court would make the said Town a Grant to assist them in the Maintenance of an Minister, & repairing their Meeting House which is much decayed.

Read and

*Ordered* That, There be allowed and paid out of the public Treasury to the Select Men of s[d] Town for their use the Sum of twenty Pounds to enable them to repair their Meeting house & to maintain the preaching of the Gospel among them for the present Year. [*Passed August 17.*

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## CHAPTER 105.

VOTE REFERRING TO THE FRENCH NEUTRALS SENT FROM GEORGIA.

Legislative Records of the Council, xxi., 243.

Mass. Archives, xxiii., 182–184. Legislative Records of the Council, xxi., 238[a], 238[b], 239. House Journal, p. 113. Province Laws, iii., 960, note. *Ante*, p. 556, chap. 68.

WHEREAS there is lately brought into this Town by John Gorham Esq[r] Sheriff of the County of Barnstable & Barnabas Gibbs a Number of French People being Ninety nine in the whole that were sent from Nova Scotia to Georgia, and some other Southern Governments who were in their Way back to Nova Scotia; Therefore,

*Voted* that said French People be committed to the Sheriff of the County of Suffolk untill the further Order of this Court; and that said Gorham & Gibbs be discharged from any further Care of them; And that also the said Sheriff of the County of Suffolk be directed to cause strict Search to be made after any Papers the said People may have in their Possession, & to secure the same in order to their being delivered to a Committee of this Court. [*Passed August 17.*

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## CHAPTER 106.

ORDER IMPOWERING RUTH PERLEY, EXECUTRIX, TO EXECUTE A DEED.

Legislative Records of the Council, xxi., 244. Mass. Archives, xix., 434.

Mass. Archives, xix., 433. House Journal, pp. 103, 120.

A PETITION of Ruth Perley of Ipsw[ch] Widow & Executrix of the last Will & Testam[t] of Samuel Perley, Praying that she may be impowered to execute a Deed of Conveyance of about three Acres of Land to one Allen Perley, for compleating an Agreement for exchanging some Lands, made in the Lifetime of the said Samuel, as also of about two Acres of Thatch Bank to one Abner Hale, for w[ch] the said Samuel received the full Consideration agreed on, which thrô some Neglect were left unfinished at the Time of his Death,

Read and

*Ordered*, That the Prayer of the Petition be granted, And That the Petitioner in her s[d] Capacity of Executrix be & hereby is authorized and impowered to make & Execute in due form of Law a Deed of the three acres of Land within mentioned which is a part of the

Estate of her late husband deceas$^{d}$ unto the within named Allen Pearly his Heirs &c he the s$^{d}$ Allen securing unto the Heirs of the S$^{d}$ Samuel Pearly the other three acres within mentioned

And, also that the Petitioner be Authoriz$^{d}$ & impowered in her said Capacity to give and Execute in due form of Law a Deed of the within Mentioned Thatch Bank unto the within named Abner Hale, he giving up the within mentioned Note, which Deeds being Acknowledged & recorded as the Law directs the same shall be and hereby are declared to be good and valid in the Law to all intents & purposes whatsoever. [*Passed August 18.*

## CHAPTER 107.

VOTE ALLOWING £5,500. 11. 4 TO THE COMMITTEE OF WAR FOR THE CROWN POINT EXPEDITION.

Whereas by the Tax that is this Year gone forth for Fifty eight Thousand seven Hundred Pounds eleven shillings and four pence; but Fifty three Thousand Two Hundred Pounds of said Sum is appropriated; so that there will be a Surplusage of Five Thousand five Hundred Pounds eleven Shillings and four pence in the Treasury when the Taxes are paid in.

Therefore

*Voted*, That the said Sum of Five Thousand five Hundred Pounds eleven Shillings and four pence when received into the Treasury be and hereby is applied for the Use and Service of the Crown Point Expedition; And that the Treasurer pay the same out of the Treasury to the Hon$^{ble}$ Committee of War, by Warrant from the Governour and Council. [*Passed August 18.*

Legislative Records of the Council, xxi., 244. Mass. Archives, lxxvi., 51.

House Journal, pp. 120, 121. Province Laws, iii., 967, chap. 1; 1054, note. *Ante*, p. 443, chap. 282.

## CHAPTER 108.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF STEPHEN FOWLER, JUN$^{R}$, TO APPEAL FROM A SENTENCE.

A Petition of Stephen Fowler jun$^{r}$ of Dorchester shewing that upon a Complaint of John Marshal, he was tried before Robert Spur Esq$^{r}$ one of his Majesty's Justices of the Peace for the County of Suffolk for stealing, & by his Sentence declared guilty & fined; And for as much as the Petitioner tho conscious of his Innocency thrô his Ignorance of his Priviledge to appeal lost the Benefit, Praying that he may now be admitted to appeal from said Sentence upon his entering into Recognizance to prosecute the same.

In Council Read with the Answ$^{r}$ of John Marshall, &

*Ordered* that Benjamin Lincoln & Benj$^{a}$ Pickman Esq$^{rs}$ with such as the Hon$^{ble}$ House shall join, be a Committee to consider this Petition & Answer, & report what may be proper for this Court to do thereon.

In the House of Rep$^{s}$

Read and Concurred; And Col$^{o}$ Clap, Col$^{o}$ White & M$^{r}$ Baker are joined in the Affair.[1] [*Passed August 18.*

Legislative Records of the Council, xxi., 228. Mass. Archives, xliv., 283.

Mass. Archives, xliv., 281. Legislative Records of the Council, xxi., 245. House Journal, pp. 87, 122. *Post*, p. 575, chap. 113

[1] See *post*, p. 575, chap. 113.

## CHAPTER 109.

ORDER IMPOWERING ISAAC PACKARD, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 240. Mass. Archives, xix., 432.

Mass. Archives, xix., 431. House Journal, pp. 100, 114. Province Laws, ii., 151, chap. 10.

A PETITION of Isaac Packhard of Bridgewater, Guardian of the Heirs of Joseph Field dec[d] shewing that his Real Estate is under such Circumstances that the selling any part of it will much sink the Value of the rest, & as there is a considerable Debt to be paid beyond what the personal Estate will answer, Therefore praying that the whole real Estate may be sold.

Read and

*Ordered*, That the Prayer of the Petition be granted; And y[t] y[e] Pet[r] be and he hereby is impowered to make Sale of the Premisses mentioned therein for the most they will fetch, and to execute in due form of Law a Deed or Deeds for Conveying the same, He to Observe the Directions in the Law for the Sale of real Estates, provided That the said Isaac give Bond with Sureties to the Judge of Probate for the County of Plymouth that the Overplus of the Monies (after paying the just Debts of s[d] Joseph Field deceased) Coming by said Sale be forthwith put to Interest for the Benefitt of the severall Legatees, agreeable to y[r] respective Shares & proportions thereof, and be paid to them, pursuant to the Will of the Testator. [*Passed August 19.*[1]

## CHAPTER 110.

VOTE TO EQUIP THE SLOOP MASSACHUSETTS TO GUARD THE COAST.

Legislative Records of the Council, xxi., 245. Mass. Archives, cix., 322.

Legislative Records of the Council, xxi., 186, 200. House Journal, pp. 125, 126. Province Laws, iii., 1062, note.

*Voted*, That the Sloop Massachusetts now in y[e] Service & pay of this Province Should as soon as may be be equipp'd in Manner following, to be employed to Guard the Coast: Viz[t]

With Six Guns that will carry Shott of four pounds Two that will carry Shott of Six pounds,

Twelve Swivel Guns, with small Arms Powder & Ball equivalent: And

That Sixty One able Bodied effective men, Officers included shall be put on board said sloop, and subsisted, Whose monthly Wages shall be as follows; Viz[t] The Captain Six pounds. Lieutenant four pounds, Master & Chirurgeon three pounds ten shillings, each Boatswain & Carpenter three pounds, Mate & Armourer two pounds ten shillings each. Cook, Steward & Cooper two pounds five shillings each, & to every private Man two pounds. And whatever prizes may be taken from the Enemy, the following distribution shall be made Viz[t] three sixteenth parts to the Captain, two sixteenths to the Lieutenant, Master & Surgeon, And three to the Boatswain, Carpenter, Mate, Armourer, Cook, Steward & Cooper in equal parts, And the remaining eight Sixteenth parts amongst the private Men in equal parts: And that the Duration of the service shall be two months & no longer. And

That his Excellency be desired to grant Commissions to a Number of suitable persons, And to give all other necessary directions Accordingly. [*Passed August 19.*

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is August 17.

## CHAPTER 111.

ORDER ALLOWING 40/ TO JONATHAN INGELL.

A Petition of Jonathan Ingell, shewing that his Apprentice was inlisted into the Service on the late Crown Point Expedition, whom the Petitioner furnished with a good Fire Arm, which his Colonel took from him, Praying that the Pet$^{r}$ may be allowed for it.

Legislative Records of the Council, xxi., 245. Mass. Archives, lxxv., 419.

Read and

*Ordered*, That there be allowed to the Pet$^{r}$ out of the public Treasury, & paid for his Use to Sam$^{l}$ White Esq$^{r}$ y$^{e}$ sum of forty Shillings in full Consideration for his Gun Mentioned. [*Passed August 19.*

House Journal, pp. 33, 125.

## CHAPTER 112.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF SUFFOLK COUNTY.

An Accompt presented by Richard Bill Esq$^{r}$ Treasurer of the County of Suffolk for the last Year, having been by him laid before the Court of General Sessions of the Peace for said County & by them allowed.

Legislative Records of the Council, xxi., 246.

Read &

*Ordered* That this acco$^{t}$ be allowed, and that the Ballance thereof being Fifty Pounds eight Shillings & five pence one farthing the said Treasurer be further accountable to the said County for, besides outstanding Debts, amounting to the Sum of One hundred and thirty nine Pounds twelve Shillings & four pence. [*Passed August 19.*

House Journal, pp. 10, 122.

## CHAPTER 113.

VOTE ACCEPTING REPORT OF COMMITTEE ON THE PETITION OF STEPHEN FOWLER, JUN$^{R}$, TO APPEAL FROM A SENTENCE.

The Committee to whom was refer'd the petition of Stephen Fowler Jun$^{r}$ of Dorchester [*ante*, p. 573, chap. 108] have Attended that Service heard the partys &c.

Legislative Records of the Council, xxi., 247. Mass. Archives, xliv., 284.

Report that the prayer of the petition be so far Granted that the petitioner be admitted to bring for wards his Appeal from a Judgment given Against him before the worshipfull Robart Spur Esq$^{r}$ to the Court of Gen$^{ll}$ Sessions of the peace for the County of Suffolk proper time for doing this by Law being relap'd [1] not withstanding allw$^{c}$ is Humbly Submitted

House Journal, pp. 87, 122, 132, 133. *Ante*, p. 573, chap. 108.

℔ Benj$^{a}$ Lincoln ℔ Order

Read and accepted and the Pet$^{r}$ is accordingly allow'd to appeal from the Sentence within mentioned unto the Court of General Sessions of the Peace to be holden at Boston within and for the County of Suffolk on the first Tuesday of October next; and the within named Justice is directed to receive the Same, and the Pet$^{r}$ to recognize for his Appearance at Said Court as the Law directs; And the Justices of the Said Court are also impowered to hear the

[1] *Sic.*

Matter complain'd of, and determine thereon pursuant to Law. And That the Petitioner notifie the Complainant of this Order fourteen Days at least before the Sitting of Said Court. [*Passed August 20.*

## CHAPTER 114.

ORDER ALLOWING JONᴬ WILLARD EBEN. BALDWIN AND OTHERS TO PURCHASE LAND OF THE INDIANS AND VOTE REFERRING THEIR PETITION TO BE ERECTED INTO A DISTRICT.

Legislative Records of the Council, xxi., 248.

House Journal, pp. 49, 130, 132.

A PETITION of Jonathan Willard, Ebenezer Baldwin & others Inhabitants of Lands lying to the Westward of Sheffield, Praying that they may be allowed to purchase the Indian Right to said Lands, & be erected into a District.

Read &

*Ordered* that the Petitioners have Liberty to make one general Purchase of the Indians claiming or owning the Lands described in yᵉ said Petition, and to take one general Deed of them accordingly, to them the said Petitioners their Heirs & Assigns for ever, they paying the purchase Consideration to the Indians; And Eldad Taylor Esqʳ is desired to see that Justice is done in the Affair.

And as to that part of the Petition, praying to be made a District.

*Voted* that the Consideration thereof be referred to the Fall Session of this Court, & the Representative of Sheffield is desired to notify that Town thereof, that they may shew Cause if any they have, why that part of the Prayer thereof should not be granted. [*Passed August 20.*

## CHAPTER 115.

ORDER IMPOWERING THOMAS BOYLSTONE TO EXPORT PROVISIONS TO JAMAICA AND THE BAY OF HONDURAS.

Legislative Records of the Council, xxi., 248. Mass. Archives, lxv., 256.

Mass. Archives, lxv., 255. House Journal, p. 125. Province Laws, iii., 901, chap. 30; 955, note. *Ante*, p. 270, chap. 261.

A PETITION of Thomas Boylstone of Boston Merchᵗ praying for Liberty to export in the Brigantine Dolphin Samuel Gallop Mʳ & the Brigⁿᵉ Rebecca John Dorrington Mʳ Provisions to Jamaica & the Bay of Hunduras upon his giving Bond according to Law.

Read and

*Ordered*, That the prayer of this Petition be granted; And that the Petʳ be allowed to Ship on Board each of the Vessels within Mentioned Two hundred barˡˢ of Provisions, And the Comissʳ of Impost is hereby impowered & directed to take Bonds of the Petʳ in the Sum of one thousand Pounds sterling for each Vessel, That yᵉ said Provisions shall be deliverd at the Island of Jamaica or the Bay of Honduras, and that the Chief officer of each of sᵈ Vessels on their return, make oath that the Provisions aforesᵈ were bona fide Landed & disposed of at one of the Ports at Jamaica or the Bay of Honduras, & upon their taking the said oath, the sᵈ Bonds shall be Cancelled. [*Passed August 21.*

## CHAPTER 116.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF DUKES COUNTY AND ALLOWING £6. 5. 5 FOR THE EXPENSE THEREOF.

The Committee for letting out to farm the Excise on strong Liquors in Dukes County reported that they had agreed with Nathaniel Little for the Excise for the Currant Year for £35 and for the Excise from December 26 1755, to March 26. 1756, for £7.5 and have taken Bond of the said Little, with Sureties, and lodged it in the Treasury, their Account of Time & Expence in said Service, amounting to the Sum of £6.5.5.

Legislative Records of the Council, xxi., 249. Mass. Archives, cxx., 118.

House Journal, p. 134. *Ante*, p. 459, chap. 333.

Read and

*Ordered* That this report be Accepted, and That there be allowed & paid out of the public Treasury to the said Committee the sum of Six Pounds five Shillings & five pence in full Discharge of their Acco$^{t}$ of time & Expences exhibited. [*Passed August 21.*

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## CHAPTER 117.

ORDER GRANTING THE PETITION OF ELEANOR TIBAUDEAU THAT HER NEICE MIGHT LIVE WITH HER.

Legislative Records of the Council, xxi., 250. Mass. Archives, xxiii., 187.

A Petition of Eleanor Tibaudeau late an Inhabitant of Nova Scotia, now resident in the Town of Malden shewing that her Husband is lately dead, & has left her in a helpless Condition with five small Children, Praying that her Neice now at Dorchester (a grown Woman) may be allowed to live with her.

Mass. Archives, xxiii., 187. House Journal, p. 137. Province Laws, iii., 1057, note.

Read and

*Ordered* that the prayer of this Petition be granted. [*Passed August 23.*

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## CHAPTER 118.

ORDER IMPOWERING NATH$^{L}$ FELTON AND JOSHUA HAMMOND, GUARDIANS AND HEIRS, TO SELL REAL ESTATE.

A Petition of *Nath. Felton*, and *Joshua Hammond*, in Behalf of themselves & others, Heirs of the Rev. Mr. *Edward Jackson*, late of *Woburn*, deceased Intestate, setting forth, that the Real Estate of the said Intestate, lying in said Town, is incapable of being divided among the Heirs, so as to accommodate any of them, it chiefly consisting of large Buildings, which are not needful, and continually going to Decay, to the great Prejudice of said Heirs, some of whom by Reason of their Minority are uncapable of acting in the Sale thereof, however advantageous it might be to them; and praying that some suitable Person or Persons may be impowred to dispose of the Premisses, they to be accountable in such Manner as shall be judged proper.

Legislative Records of the Council, xxi., 251. House Journal, p. 56. Mass. Archives, xix., 401.

Mass. Archives, xix., 400, 403. House Journal, pp. 56, 57, 140. Province Laws, ii., 151, chap. 10.

Read and

*Ordered*, that the Prayer of the Pet$^{n}$ be so far granted as that the Pet$^{rs}$ Nath$^{ll}$ Felton and Joshua Hammond be and hereby are allowed

and impowered in their Capacity as Guardians and Heirs to make Sale of the Real Estate of the Dec$^{d}$ in Wobourn for the most the same will fetch and to Execute a good Deed or Deeds for the same they first giving publick Notice of the Sale thereof agreeable to the Law respecting the Sale of Real Estates of Intestates and also giving sufficient Security to the Judge of Probate for the County of Middlesex that the neat proceeds shall be distributed among the Heirs agreeable to Law. [*Passed August 24.*

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## CHAPTER 119.

### RESOLVE ANNEXING A TRACT OF LAND TO PETERSHAM.

Legislative Records of the Council, xxi., 251. Mass. Archives, cxvii., 197.

Mass. Archives, cxvii., 196. House Journal, pp. 129, 140. Province Laws, iii., 731, chap. 38; xi., 726, chap. 37.

A PETITION of Abel Willard Agent for the Town of Petersham shewing that Twelve hundred Acres of Land formerly granted to Thomas Farmer & others, adjoining to said Place, was esteemed a Part of the Propriety of Neechawog before it was made a Town, and that by Mistake the said Land is left out of the said Town in the Act for erecting it into a Township, praying that said Tract may be included in said Township.

Read and Whereas there was granted in the Year 1733 to Thomas Farmer & others twelve hundred Acres of Land which was laid out on the northwesterly part of a Township Granted to Jeremiah Perley & others in the County of Worcester Called Nichawog, but when incorporated into a Town by the Name of Petersham, the aforesaid Tract of Land Containing twelve hundred Acres was Omitted: Therefore

*Resolved* That the said Tract of twelve hundred Acres of Land granted to y$^{e}$ said Thomas Farmer and others be and hereby is annexed to the said Township of Petersham & from henceforth shall be deemed & accounted as part of said Town, to do duty & receive privilege, as fully to all Intents & purposes as though it had been included in the first Incorporation of said Township of Petersham. [*Passed August 25.*[1]

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## CHAPTER 120.

### ORDER ON PETITION OF THE TOWN OF LINCOLN IMPOWERING REFEREES TO RECONSIDER THEIR REPORT.

Legislative Records of the Council, xxi., 253.

Mass. Archives, cxxi., 319–321. House Journal, pp. 144, 145. *Ante*, p. 550, chap. 52.

ON THE PETITION of the Select Men of the Town of Lincoln, [*ante*, p. 550, chap. 52]

Read together with the Answer of Nathaniel Whittamore, and the Parties being heard by the Board, together with Thomas Greenwood, and Josiah Johnson Esq$^{rs}$ two of the Referrees within named, who seemed satisfied that they had made a Mistake in their said Report; and the Matter being fully considered;

*Ordered* that the Referrees within mentioned be & hereby are impowered to reconsider their said Report & to rectify any Mistake they find therein, and to do any thing further in the Affair they

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is August 24.

apprehend to be just between the Parties, and report a new on the said Affair to the Justices of the Court of General Sessions of the Peace to be holden at Concord, within and for the County of Middlesex on the first Tuesday of September next, and the Justices of the said Court are hereby impowered & directed to receive the said Report, and determine thereon pursuant to Law, the former Report and Judgment of the Court thereon notwithstanding; Provided that the Select Men of Lincoln pay the said Whittamore the Costs hitherto sustained, already allowed by the Court of Sessions for said County, and give sufficient Security to said Whittamore to pay him what Sum the said Court shall finally order to be paid him on a new Hearing. [*Passed August 25.*

## CHAPTER 121.

ORDER ALLOWING £7. 1 TO BENJAMIN SMITH.

A Petition of Benjamin Smith an Officer in the late Expedition against Crown Point, Praying for an Allowance of Charges of himself and two Soldiers in their return after their Dismission from the said Service.

Legislative Records of the Council, xxi., 253. Mass. Archives, lxxvi., 36.

Read and

*Ordered*, That there be allowed & paid out of the public Treasury the sum of Seven pounds One shilling to the Petitioner Benj[a] Smith, in full of what is due to him on his Acco[t] exhibited. [*Passed August 25.*

Mass. Archives, lxxvi., 35. House Journal, pp. 102, 128.

## CHAPTER 122.

ORDER ACCEPTING REPORT OF COMMITTEE ON FRENCH NEUTRALS IN BOSTON AND DIRECTING THEIR REMOVAL TO OTHER TOWNS.

The Committee appointed to consider what further may be necessary to be done with Regard to the French Inhabitants of Nova Scotia who are now in the Province, humbly report as their Opinion, that those of them now in the Town of Boston, & under the Care of the Overseers of said Town, amounting as we are informed to Eighty four Persons, be forthwith moved from Boston, & distributed as near as may be among the Towns mentioned at the Foot of this Report; One or two, more or less in each of said Towns, as shall best accomodate the French Families themselves, and that the Sheriffs of the Counties of Suffolk and Middlesex be directed to cause the said French Persons to be as soon as may be conveyed to said Towns respectively, and that the Select Men of said Towns be directed to receive them accordingly; and in all Things concerning them to govern themselves by the Laws & Orders of this Court making Provision for the Inhabitants of Nova Scotia sent hither from that Government, And the Committee are further of Opinion that as Hanover has nine & Pembroke but five of the said Inhabitants, that three of those at Hanover be removed to Pembroke. The Committee are further of Opinion that the Select Men of the several Towns, where any of those French People are or may be placed, be directed to assist them in procuring Employment at such Rates

Legislative Records of the Council, xxi., 254. Mass. Archives, xxiii., 191.

Mass. Archives, xxiii., 188, 189. Legislative Records of the Council, xxi., 238[a]. House Journal, p. 143. Province Laws, iii., 918, chap. 35; 960, note. *Ante*, p. 529, chap. 2.

as they shall judge reasonable, and if thrô want of Employment or thrô want of Ability, any of them can't earn a Support for themselves & Families, the Select Men be directed to afford them such Relief as may be necessary for their comfortable Subsistence, in the same Manner as if they had been proper Inhabitants of this Province & exhibit their respective Accounts of Disbursement into the Secretary's Office, as Occasion shall require,

Which is humbly submitted JOHN GREENLEAF

Names of the Towns above referred to, with the Number of Persons respectively assigned to them, viz$^{t}$ Cambridge Ten, Walpole Five, Topsfield Five, Middleton Five, Westford Five, Sherburn Five, Littleton Five, Bedford Five, Tewksbury Four, Brookfield Eight, Southborô Six, Grafton six, Bellingham Four, Acton Four, Dunstable Four, Westborough three.

Read & Accepted, &

*Ordered* that the French People therein mentioned be disposed of accordingly. [*Passed August 25.*

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## CHAPTER 123.

ORDER ALLOWING 40/ TO SAM$^{L}$ HARNDEN.

Legislative Records of the Council, xxi., 254. Mass. Archives, lxxvi., 34.

A PETITION of Samuel Hardine[1] praying for an Allowance of his Time & Expence in going Express with Soldiers for his Defence to the Garrison at Richmond Fort in the Year 1750.

Read and

Mass. Archives, lxxvi., 33. House Journal, pp. 133, 134, 144.

*Ordered*, That y$^{e}$ Prayer of the Pet$^{n}$ be so far granted, as that there be allowed and paid out of the public Treasury to the Pet$^{r}$ y$^{e}$ sum of forty Shillings in full Consideration of his Time and Expences mentioned. [*Passed August 25.*

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## CHAPTER 124.

VOTE ALLOWING JAMES MORRIS AND FAMILY TO LIVE IN THE PROVINCE UNDER CONDITIONS.

Mass. Archives, xv$^{a}$., 262.

In the House of Representatives

House Journal, pp. 139, 142. *Post*, p. 593, chap. 155.

*Voted* that James Morris with his Wife, Children and Grandchildren, consisting of Eighteen in the whole, be allowed to live in any Town in this Government within Ten miles of the Town of Boston, He procuring some suitable Person or Persons to give Bond on his behalf in the Sum of One Hundred Pounds Lawful Money to Harrison Gray Esq$^{r}$ Treasurer of this Province and his Successors in said Office, that said James Morris, his Wife, Children and Grand Children, and each of them, shall in all Respects demean themselves as good Subjects of His Majesty King George the Second; That they shall exercise themselves in some honest and lawful Employment for their own maintenance, and that they shall not become chargeable to this Government, or any Town therein: And that Thomas Clap and Samuel Welles Esq$^{rs}$ with such as the Honourable Board shall

[1] The House Journal, p. 144, reads, "*Samuel Harnden.*"

join be a Committee to take especial Care that said James Morris procure some suitable Person or Persons to give Bond as aforesaid.

In Council Read & Concur'd & John Erving Esq[r] is joined in the affair. [*Passed August 25.*

## CHAPTER 125.

ORDER ON THE AFFAIR OF MASSAKESET INDIANS.

Legislative Records of the Council, xxi., 255. Mass. Archives, xxxii., 715.

On the Report upon the Petitions of the Mattakeset Indians, [in regard to selling lands, Mass. Archives, xxxii., pp. 713–714]

Read & Accepted and

*Ordered* that the Petition of Peter Job & others be accordingly dismissed & the Prayer of the Petition of Patience Thomas & others be granted. [*Passed August 26.*

Mass. Archives, xxxii., 712, 713. House Journal, p. 282 (April, 1755); pp. 258, 262 (December, 1755); p. 147. *Ante*, p. 419, chap. 228.

## CHAPTER 126.

VOTE ALLOWING £400 TO THE GOVERNOUR.

*Voted* that there be granted & paid out of the public Treasury to his Excellency William Shirley Esq[r] Governour in Chief of this Province the Sum of Four hundred Pounds in Consideration, of his Services in the Government hitherto, & for furnishing his Table with such Things as will be for his better Accomodation in his intended Voyage to Great Britain. [*Passed August 26.*

Legislative Records of the Council, xxi., 255.

House Journal, p. 147.

## CHAPTER 127.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

*Ordered* that there be allowed & paid out of the public Treasury to Cap[t] Ithamar Hubbell for the Use of Simon Willard Thirty two Shillings, for the Use of Elizabeth Shelden Twenty five Shillings, for the Use of William Joy Forty Shillings, for the Use of Joseph Taylor Thirty three Shillings, and for the Use of Japhet Bush Twenty four Shillings; To John Hunt Esq[r] for the Use of Robert Learned, Six Pounds nineteen Shillings & eight pence; To Cap[t] Jabez Upham for the Use of John Cutler Forty five Shillings; To William Lawrence Esq[r] for the Use of Daniel Taylour jun[r] Four Pounds; To Cap[t] Ebenezer Sprout for the Use of Timothy Tilson, Four Pounds eleven Shillings & eleven pence, half penny; to Cap[t] Aaron Kingsley for the Use of Benjamin Amorson Forty Shillings To M[r] Josiah Peirce for the Use of John Edgar Fifty Shillings; To M[r] Thomas Lancaster for the Use of John Rowe jun[r] William Bailey & James Cooper, Thirty eight Shillings; To Mr Isaac Merrill for the Use of Judith French Fifty six Shillings and nine pence; To Solomon Bullard Forty two Shillings, & to Elisha Kendall Three Pounds ten Shillings, being in full Consideration of the Expences in their respective Petitions mentioned. [*Passed August 26.*

Legislative Records of the Council, xxi., 255.

Mass. Archives, lxxv., 564, 681, 682, 693, 713; lxxvi., 47. House Journal, p. 123.

## CHAPTER 128.

ORDER IMPOWERING DAVID CHILD, ADM^R, TO SELL REAL ESTATE.

Legislative Records of the Council, xxi., 257. Mass. Archives, xix., 420.

House Journal, pp. 101, 146, 147. Province Laws, ii., 151, chap. 10.

A PETITION of David Child, Administrator of the Estate of Jason Hinds late of Western in the County of Worcester dec^d shewing that the personal Estate is insufficient to pay the Debts, and the Real Estate would be much prejudiced by selling a part of it, Praying for Liberty to sell the whole.

Read and

*Ordered* That the Prayer of the Petition be granted; And That y^e Petitioner in his said Capacity of Administrator be, and he hereby is impowered to make Sale of the reall Estate mentioned for the most the same will fetch, and to make & Execute in due form of Law a Deed or Deeds of Conveyance thereof to such person or persons who shall purchase the same, Which Instrument or Instruments being duly Acknowledged & recorded in the Registry of Deeds for the County of Worcester shall make a good Title in the Law to such purchaser or purchasers, to his or their Heirs & assigns for ever; the Pet^r Observing the Directions of the Law of the Province respecting the Sale of real Estates by Executors & Administrators, And giving sufficient Caution to the Judge of Probate for s^d County that y^e proceeds of such Sale shall be distributed among the Heirs according to Law. [*Passed August 26.*[1]

## CHAPTER 129.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF FRANCOIS LE BLANC TO BE REMOVED TO YORK.

Legislative Records of the Council, xxi., 247, 258. Mass. Archives, xxiii., 186.

Mass. Archives, xxiii., 185. House Journal, pp. 132, 152. Province Laws, iii., 986, chap. 9; 1057, notes.

A PETITION of Francis Le Blanc, late Inhabitant of Nova Scotia, Praying that he & his Family may be removed from Point Shirley where he now dwells to the Town of York for his more comfortable Subsistence among some Friends & Relations of his who dwell there.

The Committee to whom was referred the Petition of Francis Le Blanc having met and considered the same, and finding the Petition so far true as that they Can't get Labour at Point Shirley, so as to have any Hopes of supporting them thrô the ensuing Winter, therefore are of Opinion that they be removed to some other Place, where they may have better Prospect of getting Labour for their better Support;

All which is humbly submitted JAMES MINOT per Order.

Read &

*Ordered* that this Report be accepted. [*Passed August 27.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is August 27.

## CHAPTER 130.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO SEND TWO WHALE BOATS TO THE EASTWARD.

Legislative Records of the Council, xxi., 257. Mass. Archives, lxv., 258.

*Resolved*, That the Commissary General be directed to provide two more Whale Boats as soon as may be to be forwarded to Majr Freeman to be improved for the use of the Governmt as mentioned in his Letter to his Honr ye Lt Govr of the 6th instant. [*Passed August 27.*

House Journal, p. 150. *Ante*, p. 541, chap. 28.

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## CHAPTER 131.

VOTE IN REGARD TO THE RETURN OF THE COMTEE AT ALBANY.

Legislative Records of the Council, xxi., 257. Mass. Archives, lxxvi., 54.

*Voted*, That the Committee of War be directed to inform Colo Choate & the other Commissrs on the part of this Province at Albany, that they have leave to repair home as soon as the business of their Commission will admit of it. [*Passed August 27.*

House Journal, p. 150. *Ante*, p. 393, chap. 166; p. 394, chap. 169; p. 398, chap. 180; p. 443, chap. 282.

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## CHAPTER 132.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 257.

*Ordered* that there be allowed & paid out of the public Treasury to John Quincy Esqr for the Use of Elisha Heyden, Twenty six Shillings; to Capt John Whitney for the Use of Ephraim Houghton Fifty six Shillings, and for the Use of William Houghton twenty six Shillings, To Mr Jonathan Foster for the Use of David Wood twelve Shillings, To Joseph Gerrish Esqr for the Use of Joseph Knights, Seven Pounds; To Capt John Brown for the Use of Elizabeth Stone Fifty two Shillings; To Timothy Payne Esqr for the Use of David Cunningham Thirty seven Shillings & four pence; To David Stockbridge Esqr for the Use of Stephen Hatch Three Pounds six Shillings, and for the Use of Luke Bishop Three Pounds; And to Capt Joshua Hutchins for the Use of Edward Scott Eight Pounds two Shillings & eight pence in full Consideration of the Charges mentioned in their respective Petitions exhibited. [*Passed August 27.*

Mass. Archives, lxxv., 493, 677, 679, 712; lxxvi., 16, 38, 39, 40, 41, 42. House Journal, p. 150.

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## CHAPTER 133.

ORDER ON THE PETN OF TRUEMAN, POWELL, AND OTHERS, TO PURCHASE INDIAN LANDS.

Legislative Records of the Council, xxi., 257.

A Petition of Truman Powell & others Settlers on Province Lands lying West of Sheffield, shewing that the Indians of Stockbridge claim the Native Right to the said Lands, which the Petitioners are willing to purchase of them; but think the Allowance of this Court necessary in order to their Agreement with them, Praying for the Allowance of this Court accordingly.

House Journal, pp. 115, 130, 147. *Ante*, p. 576, chap. 114.

Read &
*Ordered* that the Prayer of this Petition be so far granted as that the Petitioners have Liberty to make one general Purchase of a Tract of Land lying North & adjoining to a Tract of Land lately sold to Cap$^{t}$ Robert Noble & to be of the like Quantity; of the Indians who own & claim the same, and to take one general Deed thereof accordingly to them their Heirs & Assigns for ever, the Petitioners paying the Purchase Consideration to the Indians; And Eldad Taylor Esq$^{r}$ is desired to see Justice done in the Affair. [*Passed August 27.*

## CHAPTER 134.

ORDER ALLOWING 20/ TO W$^{M}$ MAHAN.

Legislative Records of the Council, xxi., 258. Mass. Archives, lxxvi., 52.

A PETITION of William Mahon of Worcester Praying for an Allowance for his Trouble & Expence on a Soldier in the late Crown Point Expedition who was dangerously wounded by his Bayonets falling out of the Sheath.

House Journal, p. 151.

Read &
*Ordered*, That there be allowed & paid out of the public Treasury to Tim$^{o}$ Paine Esq$^{r}$ for y$^{e}$ use of y$^{e}$ Pet$^{r}$ y$^{e}$ sum of twenty Shillings in full Consideration for his Trouble expence & damage Sustained as y$^{e}$ Pet$^{n}$ mentioned. [*Passed August 27.*

## CHAPTER 135.

ORDER ACCEPTING REPORT OF COMMITTEE ON DISPOSITION OF PARLIAMENTARY GRANT.

Legislative Records of the Council, xxi., 261. Mass. Archives, ciii., 496.

REPORT referring to the Parliamentary Grant of Money, viz$^{t}$

Mass. Archives, ciii., 495. Legislative Records of the Council, xxi., 256. House Journal, pp. 142, 146. Province Laws, iii., 894, chap. 27.

The Committee appointed to consider what may be proper for the Court to do concerning the Money now at new York, find that Cap$^{t}$ Cornish who had signed Bills of Lading for the same, having received Orders from the Lords of the Admiralty to proceed directly from New York to Halifax, hath been thereby prevented from delivering the Money at Boston, agreable to the Tenor of the Bills of Lading, and that he in Consequence of such Orders proceeded to Halifax, and left the Money at New York.

And in as much as the Exigencies of the Government make it necessary that the Money should be forthwith received into the Treasury, the Committee are humbly of Opinion that Thirty thousand Pounds Sterling borrowed of His Excellency Governour Shirley be paid at New York, if his Excellency desires it, upon his canceling and delivering up the Obligation given him by the Treasurer, for that Sum borrowed of him; And that there be a Committee appointed to cause the remaining Sum of Twenty one Thousand five hundred & fifty eight Pounds five Shillings and eight pence Sterling to be transported to Boston upon the best and easiest Terms; This Committee apprehending that it would be best to have it conveyed to Providence by Water & from thence by Land to Boston.

Which is humbly submitted ANDREW OLIVER per Order:

In the House of Represent$^{s}$
Read and Accepted, and
*Ordered*, That M$^{r}$ Speaker & M$^{r}$ Flucker, with such as the Hon$^{b}$ Board shall join be a Com$^{tee}$ for the purposes within mentioned.
In Council Read and Concurr'd and Andrew Oliver Esq$^{r}$ is join'd in the affair.[1] [*Passed August 27.*[2]

## CHAPTER 136.

ORDER ALLOWING £8 PER ANNUM FOR THREE YEARS TO SIMON DAVIS.

A Petition of Simon Davis an Officer in the late Expedition against Crown Point setting forth his Sufferings by Wounds received in the said Service and praying for some suitable Releief from this Court.

Legislative Records of the Council, xxi., 258. Mass. Archives, lxxvi., 37.

Read &
*Ordered* that their be allowed and paied out of the public Treasury to the petitioner for his sufferings as mentioned in his petition the sum of Eight pounds ℔ year from this time For a Term not exceeding three years. [*Passed August 28.*[3]

House Journal, pp. 150, 156. *Ante*, p. 557, chap. 70.

## CHAPTER 137.

VOTE TO REIMBURSE OFFICERS AND SOLDIERS FOR MONEY EXPENDED BY THEM FOR SUBSISTENCE ON THEIR RETURN FROM CROWN POINT EXPEDITION.

Whereas divers of the Soldiers on their return from the Expedition designed against Crown-Point the last Year, bore all or a Considerable part of their expences from Albany to their respective homes, which as Yet has not been repaid them, by reason of the Difficulty of Adjusting y$^{e}$ Acco$^{ts}$ of the Taverners & others where they were entertained, which has Occasioned much Complaint among them; Therefore

Legislative Records of the Council, xxi., 259. Mass. Archives, lxxvi., 56.

*Voted* That all such Soldiers who shall make Oath, either before the Treasurer of the Province, who is hereby impowered to Administer the same, or any of his Majesty's Justices of the Peace within the Province, y$^{t}$ they bonâ fide paid the whole of their Expences on their said return, without receiving any part thereof of any Taverner or other person, on Acc$^{o}$ of the Governm$^{t}$ shall be intitled to the whole of their subsistence money as Carried out in the Muster Rolls of y$^{e}$ Companies to which they respectively belong: And that all such of said Soldiers who shall make oath in manner as aforesaid, that they received no more than a Certain Sum from any Taverner or other person on y$^{e}$ Gov$^{ts}$ Account, on their said return, shall be intitled to the Balance which shall appear to be respectively due to them for their Subsistence, as Carried out in the said Muster Rolls; And the Treasurer is hereby directed to pay y$^{e}$ same Accordingly. [*Passed August 28.*

House Journal, p. 153. *Ante*, p. 562, chap. 82.

[1] Not found in the House Journal.
[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is August 28.
[3] This date is according to Mass. Archives; according to Legislative Records of the Council the date is August 27.

## CHAPTER 138.

VOTE FOR PAINTING THE BARRACKS AT CASTLE WILLIAM.

Legislative Records of the Council, xxi., 259. Mass. Archives, lxxvi., 55.

Legislative Records of the Council, xx., 421. House Journal, p. 155. Province Laws, xiv., 507, chap. 252. *Ante*, p. 293, chap. 317.

*Voted*, That the Com^tee^ appointed for repairs on Castle William be directed to Cause the Barracks lately built there to be painted on the Outside, in the most frugal manner that may be. [*Passed August 28.*

## CHAPTER 139.

ORDER ALLOWING SUBSISTENCE MONEY TO CAPT. ITHAMAR HUBBELL.

Legislative Records of the Council, xxi., 259. Mass. Archives, lxxv., 680.

A PETITION of Ithamar Hubbell an Officer in the late Crown Point Expedition, shewing that he and his Company returned home without receiving any part of their Subsistence from any Taverner or otherwise, Praying that they may be allowed their subsistence for Sixty days Travel.

Read and

Mass. Archives, lxxv., 680. House Journal, pp. 129, 153. *Ante*, p. 585, chap. 137.

*Ordered*, That the Prayer of this Petition be so far granted, as that upon the Petitioners making Oath to the Truth of the Facts therein set forth, he be Allowed to receive the Subsistence money mentioned; And that y^e^ Treasurer be & hereby is directed to pay the same Accordingly. [*Passed August 28.*

## CHAPTER 140.

VOTE DESIRING THE CAPT. GENERAL TO ORDER THE ENLISTMENT OF THIRTY MEN TO RELEIVE GARRISON AT FORT HALIFAX, ETC.

Legislative Records of the Council, xxi., 259. Mass. Archives, lxxvi., 59.

House Journal, p. 154. *Ante*, p. 558, chap. 73.

*Voted*, That his Excellency the Cap^t^ General be desired to give Orders to Cap^t^ William Lithgow for inlisting Thirty Men to relieve those that have been posted at Fort Halifax & the Store house on Kennebeck for more than a Year & an half; And that there be paid to each man, who shall inlist five Dollars, and that the men shall be discharged at the Expiration of twelve months from their Inlisting, and That the forty three men now there be discharged as soon as others shall arrive to supply their places. [*Passed August 28.*

## CHAPTER 141.

Legislative Records of the Council, xxi., 259.

RESOLVE FOR TRANSFERRING £2,000 FROM THE APPROPRIATION FOR GRANTS TO THE APPROPRIATION WHERE THERE IS NO ESTABLISHMENT.

House Journal, p. 155. Province Laws, iii., 980, chap. 3.

*Resolved* that the Sum of Two Thousand Pounds be transferred from the Appropriation for Grants to the Appropriation where there is no Establishment. [*Passed August 28.*

## CHAPTER 142.

ORDER APPOINTING A COLLECTOR OF EXCISE ON LIQUORS, ETC., FOR THE YEAR 1755, IN THE COUNTY OF DUKES COUNTY.

Legislative Records of the Council, xxi., 260. Mass. Archives, cxx., 119.

House Journal, pp. 135, 155. Province Laws, iii., 782, chap. 16.

Whereas there was an Act passed in the 28th Year of his present Majesty's Reign, Intitled an Act for granting unto his Majesty an Excise upon Spirits Distilled & Wine, & upon Limes, Lemons & Oranges, in which Act among other things it was enacted that one or more person or persons to be nominated & appointed by the General Court for and within the several Counties within this Province to Contract & agree with any person or persons for or concerning the farming the Duties in said Act mentioned, but it so happened that ye persons Appointed to that service for the County of Dukes County failed of making such Contract & thereby the Revenue to ye Governmt from Said County especially from the Taverners & retailers (altho they have kept their Accots and are ready to pay their Excise according to sd Law) is in danger of being lost; Therefore

*Ordered* That Mr Nathl Little who farmed the Duties of Excise on spirituous Liquors &c for the said County this Year be & he hereby is impowered and Appointed a Collector to Collect the Excise for the year 1755 in the sd County of Duke's County from ye sd Taverners & retailers agreeable to the aforesd Act, he being first sworn to ye faithfull Discharge of that Trust, and giving Bond to ye province Treasurer In the Sum of £40 to Account for his said Collection & yt he be allowed five ℔ Cent for his said Collection. [*Passed August 28.*

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## CHAPTER 143.

VOTE IN REGARD TO CLOTHING OF SOLDIERS FROM FORT WILLIAM HENRY AND FORT EDWARD.

Legislative Records of the Council, xxi., 260. Mass. Archives, lxxvi., 58.

House Journal, pp. 154, 155. *Ante*, p. 448, chap. 300.

Whereas there was a Vote or Order passed this Court on the 24th of Feby last yt each non Commission Officer or Soldier who was engaged to perform his Majesty's Service at Fort William Henry & Fort Edward till the 6th day of Feby then instant, and did not desert the same shall be intitled to & receive the sum of two pounds thirteen shills and four pence, in clothing in the room of the great Coat & Blankett promised them exclusive of the Bed Sack, provided they deliver it up at their dismission; And Whereas there are sundry of the Rolls made up in which said non Commission Officers & Soldrs are charged for Sd Clothing, and are stoped out of yr Wages:

Therefore

*Voted*, That where it appears in any of sd Rolls that ye said Sum for Clothing is stopp'd out of their Pay or Wages of any such person or persons the Province Treasurer is hereby ordered to pay the same to every such Non Commission Officer or Soldier & Charge the province therewith. [*Passed August 28.*

## CHAPTER 144.

RESOLVE DIRECTING THE PROVINCE TREASURER IN REGARD TO THE PARLIAMENTARY GRANT.

Legislative Records of the Council, xxi., 263. Mass. Archives, ciii., 498.

House Journal, p. 161. *Ante*, p. 584, chap. 135.

WHEREAS Charles Apthorp Esq$^{r}$ & Son, to whom the Parliamentary Grant is consign'd, have propos'd to take to their own account, the sum of Twenty one thousand five hundred & fifty eight pounds five shillings & eight pence Sterling, now lodg'd at New York, for the account of this Government, and in consideration thereof, to become engag'd to pay the same in Boston, in lawful money, at 33⅓ ℔ cent advance, as fast as they can raise it; and to compleat the whole in three months at furthest.

*Resolved*, That the Treasurer be authorized and directed, to take Mess$^{rs}$ Apthorp's obligation as aforesaid; and upon recieving the same, as also upon recieving his own obligation given to his Excellency the Governour, for the sum of Thirty thousand pounds Sterling borrowed of him, that the Treasurer be further authorized & directed to give a proper Discharge for the sum of Fifty one thousand five hundred & fifty eight pounds 5/8 Sterling, which was brought to New York, by Capt$^{n}$ Cornish, in his majesty's Ship Stirling-Castle, for account of this Government. [*Passed August 31.*

## CHAPTER 145.

ORDER ADJOURNING THE COURTS OF MIDDLESEX COUNTY.

Legislative Records of the Council, xxi., 263. Mass. Archives, xliv., 305.

House Journal, p. 161. Province Laws, iii., 567, chap. 3.

WHEREAS the Court of General Sessions of the Peace and Inferiour Court of Common Pleas for the County of Middlesex, are by Law appointed to be held at Concord on the first Tuesday in September next, and divers of the Justices of the Said Courts and others concerned are Members of this Court, which may be Sitting till that time, whose Attendance at this Court is necessary

*Ordered* That the Said Court of General Sessions of the Peace and Inferiour Court of Common Pleas be and hereby are adjourned to the first Tuesday in October next; and the Justices of the Said Courts and others concerned are required to govern themselves accordingly; And That the Justices of the said Inferiour Court take effectual Care that this Order be publish'd in Such manner as they may judge most Suitable to give Notice thereof to the Said County. [*Passed August 31.*

## CHAPTER 146.

ORDER IMPOWERING JOHN BACON, ISRAEL MEAD AND JOSEPH HEMINGWAY, GUARDIANS, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 264. Mass. Archives, xix., 426.

A PETITION of John Bacon, Israel Mead, & Joseph Hemenway Guardians of the Children of Abraham Belknap, late of Natick dec$^{d}$ shewing that they have been at great Expence for the Maintenance of the said Children, that there is no personal Estate to

reimburse them, praying that they may be impowered to sell the Real Estate or so much of it as may be found necessary.

House Journal, pp. 159, 160. Province Laws, ii., 151, chap. 10. *Ante*, p. 217, chap. 124.

Read, &

*Order'd* that the Prayer of this Petition be so far granted, as that the Petitioners (in their said Capacity) be and they are hereby impowered to make Sale of so much of the Real Estate belonging to said minors as shall be necessary for Discharging the Debts already incurr'd for their Support that may appear to remain due upon Ballance of their accounts, when they shall be rendred to & allow'd by the Judge of Probate for the County of middlesex; and in case such Estate be uncapable of a Division without great Prejudice to the whole, & being made so to appear to said Judge, by the Enquiry of three or five sufficient & disinterested Freeholders [1] by him to be appointed for that purpose), The said Guardians (upon their obtaining a Certifycate from said Judge that it appears to his satisfaction that such Estate cannot (without great Prejudice thereto) be Divided;) [2] are hereby authorized in their said Capacity, to make Sale of the whole of said minors part of such Estate for the most that may be, & to give & execute a good & sufficient Deed or Deeds of Conveyance of the same: Previous Notice being given of the intended Sale in Time & manner, as the Law directs in case of the Sale of Lands by Executors, & administrators; and the said Guardians giving due Caution to said Judge that the Proceeds of such sale so far as needfull after the Creditors of s[d] Estate shall have been satisfyed be duly applyed for the Support & Relief of said minors and that they shall Account with the Judge of Probate for said County (for the Time being) touching the application of such Proceeds, & the Disposition of the Remainder (if any be) among the Interested agreable to Law, and the order of this Court (of the 13[th] of Nov[r] 1754) on the Petition of mary Belknap (Widow of said Deceas'd) is hereby superseded & made void, She having Neglected to act thereon. [*Passed August 31.*

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## CHAPTER 147.

ORDER ALLOWING £2. 13. 4 EACH TO SAMUEL LOWELL AND WILLIAM MERRITT WITH AN ALLOWANCE FOR TRAVELLING.

A Petition of Samuel Lowell of Newbury shewing that he was employed as Captain of the Battoes & Chief Gunner at Fort Edward, & for twelve Months past has discharged his Duty there faithfully, and received no Wages, praying that he, & one William Merrit (who served with him the last Winter, and has not been paid) may receive such Wages as this Court shall judge proper.

Legislative Records of the Council, xxi., 266.

Mass. Archives, lxxvi., 48–50. House Journal, pp. 154, 161, 162. *Ante*, p. 448, chap. 300.

Read and Whereas it appears to this Court that the Pet[r] was made up in Cap[t] Morses Roll as a private Soldier from the 4[th] of April to the 17[th] of December last, & that the said Merrit was made up in Cap[t] Stoddard in the same Manner from Sep[r] 10. to Nov[r] 27. last, past, and also that the Pet[r] & the said Merrit stayed at Fort Edward last Winter, & untill the 4[th] of June last, the Petitioner in the Capacity of Captain of the Artillery & Stores, & the said Merrit as a Gunner, & that by Virtue of the Orders of this Court they are intitled to Two Pounds thirteen Shillings & four pence each in Cloathing,

[1] The parenthesis should, it seems, begin here.
[2] *Sic*, as to parenthesis.

and also that the Pet$^{r}$ payed Two Pounds two Shillings & six pence for the Security of the Powder, which ought to be repaid him.

Therefore

*Ordered* that there be allowed & paid out of the public Treasury to the Pet$^{r}$ and to the said Merit, the Sum of Two Pounds thirteen Shillings & four pence each, instead of the Allowance promised in Cloathing and to the Petitioner the Sum of Two Pounds two Shillings & six pence for his Expences in securing the Powder, And further

*Voted* that the Pet$^{r}$ be allowed to make up a Roll from the 18$^{th}$ of December last at £4.5.4 per Month for himself, & also for the said Merrit from the 27$^{th}$ of November last to the 4$^{th}$ of June last at Two Pounds per Month, as a Gunner; Also that there be allowed One Shilling & six pence for every fifteen Miles they travel'd home each; and that there be allowed twenty days each for time in travel$^{g}$ home. [*Passed September 2.*

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# CHAPTER 148.

## ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 267.

Mass. Archives, lxxv., 568, 606, 607, 659, 669, 690, 691, 692, 694, 695, 710, 711, 726, 728; lxxvi., 12, 21, 22, 23. House Journal, pp. 161, 162.

*Ordered* that there be allowed & paid out of the public Treasury [to Edmund Dix] [1] Four Pounds eight Shillings & one penny to M$^{r}$ Samuel Witt for the Use of Nathan Barret; Three Pounds to Cap$^{t}$ James Barret for the Use of Henry Ewers; Forty eight Shillings to Cap$^{t}$ Noah Sprague for the Use of George Rouse; Three Pounds seven Shillings & eight pence to M$^{r}$ Richard Bailey for the Use of Jacob Pears; Three Pounds fifteen Shillings to Cap$^{t}$ Ithamar Hubbell for the Use of Jabez Hydes; Five Pounds six Shillings to Cap$^{t}$ Jabez Upham for the Use of Abraham Adams; Forty seven Shillings & four pence for the Use of Nathan Thomas; Six Pounds to M$^{r}$ Gideon Lyman for the Use of John Birge; Sixteen Shillings & four pence for the Use of Ephraim Cowen; Three Pounds nineteen Shillings & four pence. to Cap$^{t}$ Joshua Hutchins for the Use of Alexander Swan, Twenty two Shillings and four pence; To William Richardson Esq$^{r}$ for the Use of Jonathan Powers, Fifty four Shillings & two pence; To M$^{r}$ Nathan Sumner for the Use of Ebenezer Turner Thirty five Shillings & eight pence; To John Noyes Esq$^{r}$ for the Use of Joseph Clark Twenty Shillings; To M$^{r}$ Ephraim Sherman for the Use of Samuel Warren Forty Shillings; To M$^{r}$ Samuel Baker for the Use of Israel Greenleaf, Twenty six Shillings & six pence, & for the Use of Jonas Whetcomb, Forty four Shillings; And to Cap$^{t}$ Henry King for the Use of Jonathan Carrell Eight Pounds seventeen Shillings & six pence, for the Use of John Harwood Five Pounds eleven Shillings & seven pence, & for the Use of William Sibley Fifty four Shillings & nine pence being in full Consideration for the Expences &c$^{a}$ exhibited in the several Petitions herewith. [*Passed September 3.*

[1] Inserted from the House Journal, p. 161.

## CHAPTER 149.

VOTE PROVIDING BLANKETS, ETC., FOR IMPRESSED MEN FOR CROWN POINT EXPEDITION.

Legislative Records of the Council, xxi., 268. Mass. Archives, lxxvi., 62.

*Voted* That the Com^tee^ of War be directed to purchase Blankets, & all other things necessary, for the Six hundred Men now Impressing for the Expedition against Crown point, in the same manner as the Forces already raised & sent by this Government, were furnished; and that provision be made in the next Supply Bill for the Charge thereof. [*Passed September 4.*

Mass. Archives, lxxiv., 61. House Journal, pp. 156, 167. Province Laws, iii., 1022, chap. 22. *Ante*, p. 386, chap. 147; p. 443, chap. 282.

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## CHAPTER 150.

VOTE IN REGARD TO THE REMOVAL OF THE FAMILY OF MAGDALEN PELLRIN.

Legislative Records of the Council, xxi., 269. Mass. Archives, xxiii., 211.

It being represented to this Court That some of the Family of Magdalen Pellrin late Inhabitant of Nova Scotia are sick Which renders it unsafe at present to remove them from the Town of Boston where they now reside: Therefore

*Voted*, That M^r^ Sheriff Pollard be directed not to remove the Said Family till the further Order of this Court. [*Passed September 7.*

Mass. Archives, xxiii., 210. House Journal, pp. 168, 169. Province Laws, iii., 1058, note.

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## CHAPTER 151.

ORDER ALLOWING £2. 16. 8 TO EBENEZER READING.

A Memorial of Ebenezer Reading a Soldier in the late Expedition in the particular Company of Cap^t^ Nathan^l^ Gilbert now dec^d^ shewing that his Wages are carried out in the Muster Roll much short of what is due, Praying that this Court would allow him such Sum as will answer said Deficiency.

Legislative Records of the Council, xxi., 269.

House Journal, pp. 167, 168.

Read &

*Ordered* that the Sum of Two Pounds sixteen Shillings & eight pence be allowed & paid out of the public Treasury to Col^o^ White for the Use of the Memorialist in full for Eight Weeks & three days omitted by Mistake in making up the Muster Roll of the Company to which he belonged. [*Passed September 7.*

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## CHAPTER 152.

ORDER IMPOWERING HENRY BROMFIELD TO EXPORT SHEEP TO NEWFOUNDLAND.

A Memorial of Henry Bromfield of Boston Merch^t^ praying for Liberty to ship on board the Schooner whereof Stephen Brown is Master bound for Newfoundland Forty Sheep for the particular Use of his Majesty's Garrison at S^t^ Johns, at said Island.

Legislative Records of the Council, xxi., 270. Mass. Archives, lxv., 261.

Mass. Archives, lxv., 260. House Journal, p. 171. Province Laws, iii., 901, chap. 30; 956, note. *Ante*, p. 270, chap. 261.

Read and

*Ordered*, That the Prayer of this Memorial be granted; and y^t^ y^e^ Memor^st^ be allowed to put on board the Said Schooner y^e^ forty Sheep mentioned, and that y^e^ Comiss^r^ of Impost be & he hereby is impowered & directed to take Bond of y^e^ Memorialist in the Sum of five hundred Pounds sterl^g^ that y^e^ Said Sheep shall be landed & delivered at Newfoundland & y^t^ upon y^e^ Chief Officer of said Vessell his producing (at his return) a Certificate from some chief officer of his Majesty's Customs there, that the said Sheep were so landed & delivered, the said Bond be cancelled. [*Passed September 7.*

## CHAPTER 153.

VOTE IN REGARD TO THE ESTABLISHMENT OF OFFICERS FOR THE RECRUITS, &c.

Legislative Records of the Council, xxi., 272. Mass. Archives, lxxvi., 63.

Legislative Records of the Council, xxi., 270. House Journal, pp. 156, 175. *Post*, p. 597, chap. 166.

*Voted* That the Chief Officer under whose Command the 600 recruits now raising for y^e^ Crown point Exped^n^ shall be placed by his Excell^y^ the Cap^t^ General, be allowed at the rate of twelve pounds sixteen Shill^s^ ℔ month for the time he shall be employed in going up to y^e^ Army near Lake George allowing Also a reasonable time for his return home; Also That there be allowed Two pounds eight shillings ℔ month each to six Ensigns to be appointed by his Excellency to take care of the said Men, untill they shall be dismissed from y^e^ Service. [*Passed September 8.*

## CHAPTER 154.

ORDER IMPOWERING RICHARD UPHAM TO EXPORT CATTLE AND SHEEP TO HALIFAX.

Legislative Records of the Council, xxi., 272. Mass. Archives, lxv., 262.

A PETITION of Richard Upham, praying for Liberty to export in the Schooner Merrimack now loading for Halifax Twelve head of Neat Cattle & Fifty Sheep, the Petitioner giving Bond at the Impost Office as usual.

House Journal, p. 175. Province Laws, iii., 901, chap. 30; 956, note. *Ante*, p. 270, chap. 261.

Read and

*Ordered*, That the Prayer of this Petition be granted; And That the Pet^r^ be allowed to Ship on board the Schooner Merrimack Enoch Howard Master, the twelve head of horned Cattle & Fifty Sheep Mentioned in y^e^ Pet^n^ And that the Commissioner of Impost be and he hereby is impowered & directed to take Bond of the Petit^r^ in the sum of five hundred Pounds sterling, that the said Cattle & Sheep shall be landed & delivered at the Port of Halifax, And that upon the Chief officer of said Vessell at his return his producing a Certificate from some Chief Officer of his Majesty's Customs there that the said Cattle & Sheep were landed & delivered at y^e^ S^d^ Port of Halifax, the said Bond be Cancelled. [*Passed September 8.*

## CHAPTER 155.

VOTE IN REGARD TO THE REMOVAL OF JAMES MORRIS & FAMILY.

In the House of Repues

The House being informd that James Morris a late Inhabitant of Nova Scotia who by Order of the Government there was sent to Georgia, but was permitted to depart that place, and is now at Charlestown with his Wife Children and Grand Children eighteen in the whole, whose residence there the House apprehend to be dangerous to the Safety of the Province. Therefore

*Voted* that the said Morris be Ordered to reside with his said Family in Leicester and Spencer until the further order of this Court

*Voted* also that the Bond He has given the Treasurer be delivered up to him And the Sheriff of the County of Middlesex is Ordered to transport them accordingly.

In Council

Read and Concurr'd. [*Passed September 9.*

Legislative Records of the Council, xxi., 274. Mass. Archives, xxiii., 214.

House Journal, pp. 176, 177. *Ante*, p. 580, chap. 124.

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## CHAPTER 156.

VOTE DESIRING THE CAPT. GENERAL TO ORDER THE ENLISTMENT OF THIRTEEN MEN FOR GARRISON AT FORT HALIFAX, ETC.

*Voted*, That his Excellency the Capt General be desired to give Orders to Capt William Lithgow for inlisting thirteen Men in addition to the thirty Men voted to be raised, on the 28th Augt last, for the relief of forty three men that have been posted at Fort Halifax & the Store house on Kennebeck River for more than a year & half-past, And that the said forty three men be discharged as soon as others shall arrive to supply their place: That the said thirteen Men be raised by inlistment on the same terms of the thirty above mentioned. [*Passed September 9.*

Legislative Records of the Council, xxi., 274. Mass. Archives, lxxvi., 65.

House Journal, pp. 171, 176. *Ante*, p. 586, chap. 140.

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## CHAPTER 157.

VOTE FOR REPAIRING Ye WORKS ON GOVERNOUR'S ISLAND AND PROVIDo SHOT, &cA, FOR CASTLE WILLIAM.

*Voted* that the Commce apptd to take care of the repairs at Castle William be directed to repair the fortifications on Governour's Island by and with the Consent of the Capt General as shall be Judged neceessary; also to provide a Number of Shott for the Cannon as represented wanting by the Gunners at Castle William, and a proper quantity of Junk to be made into Wadds. [*Passed September 10.*

Legislative Records of the Council, xxi., 275. Mass. Archives, lxxvi., 67.

House Journal, pp. 177, 178. *Ante*, p. 364, chap. 91; p. 586, chap. 138.

## CHAPTER 158.

VOTE FOR THE REMOVAL OF FRANCOIS LE-BLANC AND FAMILY FROM POINT SHIRLEY TO NEEDHAM.

Legislative Records of the Council, xxi., 275. Mass. Archives, xxiii., 216.

House Journal, p. 177. Province Laws, iii., 1058, note. *Ante*, p. 582, chap. 129.

*Voted* that Francois Leblanc with His Family be removed from Point Shirley to Needham (the Vote of the 21st Ult notwithstanding) And that the Sheriff of the County of Suffolk be directed to remove them accordingly. [*Passed September 10.*

## CHAPTER 159.

VOTE FOR THE REMOVAL OF FRENCH INHABTS FROM GLOCESTER TO WENHAM AND METHUEN.

Legislative Records of the Council, xxi., 275. Mass. Archives, xxiii., 217.

House Journal, p. 179. Province Laws, iii., 1058, note. *Ante*, p. 529, chap. 2.

*Voted* that thirteen of the French Inhabitants now residing at Glocester be removed to Wenham, and that the other eleven now at said Town of Glocester be removed to Methuen And that the Town of Glocester be at the Charge of their removal. [*Passed September 10.*

## CHAPTER 160.

VOTE ALLOWING MARGARET DOWSETT TO LIVE IN NEWBURY.

Legislative Records of the Council, xxi., 275. Mass. Archives, xxiii., 215.

House Journal, p. 178. Province Laws, iii., 1058, note.

A PETITION of Margaret Dowcet one of the French Inhabts of Nova Scotia, shewing that she is now dangerously sick in Boston, Prayg that if she should recover she might be allowed to live at Newbury with her Brother Dowcet, the only Friend or Relation she has in this Country.

Read & thereupon,

*Voted*, that the Prayer of this Petition be granted. [*Passed September 10.*

## CHAPTER 161.

VOTE APPOINTING A COMMITTEE TO PROJECT A METHOD FOR SECURING THE SEA COAST.

Legislative Records of the Council, xxi., 275. Mass. Archives, lxv., 265.

House Journal, p. 178. *Ante*, p. 574, chap. 110.

In the House of Repues

*Voted* that Mr Speaker Mr Welles Mr Flucker Mr Tasker and Mr Gridley with such as the Honble Board shall Joyn be a Commee in the recess of the Court to project some proper Method for the Security of the Sea Coast in this time of Danger and report thereon at the next Sitting of this Court.

In Council Read & Concurd & Jacob Wendell, Ezek[1] Cheever Andw Oliver & John Erwing [1] Esqrs are joined in the Affair. [*Passed September 10.*

[1] *Sic*, it seems, for John Erving. See *ante*, p. 525.

# CHAPTER 162.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF SAMUEL STEVENS IN REGARD TO LAND BANK AND MANUFACTURING SCHEME.

A Petition of Samuel Stevens of Roxbury a Partner in the late Land Bank Company complaining of the Dilatory Proceedings of the Commissioners appointed by this Court to settle the Affairs of said Company by which Means he has been hindered of the Benefit of an Order pass'd by the General Court in his Favour near six Year ago, & without speedy Releif is likely to be ruined in his Estate, Praying that this Court would give effectual Order to redress his Grievances,

Legislative Records of the Council, xxi., 230, 276.

Legislative Records of the Council, xxi., 247. House Journal, pp. 89, 93, 132, 166, 167. Province Laws, xiv., 453, chap. 116.

The Committee appointed to take under Consideration the Petition of Samuel Stevens together with the Answer of the Commissioners for finishing the Land bank or Manufactory Scheme, make this Report,

It appears to the Committee that an Action was brought against the Pet$^{r}$ soon after the Arrival of the Act of Parliament for putting an End to said Scheme, for the Redemption of £300 Manufactory Bills, pursuant to the Direction of the Act, that at the Time of bringing this Action the Pet$^{r}$ had not paid in his Proportion of the Bills as a Partner nor any part thereof, that pending the Suit the Pet$^{r}$ paid to certain Persons in Order to his sinking his Proportion of the Companies Bills the Sum of £300 in said Bills with some Addition for Charges & Loss that had accrued to the Company and thereupon the Plantiff in the aforesaid Action discontinued, or the Affair was otherwise settled, so as that Judgment was not entered up against the Pet$^{r}$ upon said Process, nor did he pay the sum demanded.

That afterwards the same Plantiff brot his Action ag$^{st}$ Timothy the Son of the Pet$^{r}$ for the Redemption of £300 in the same Bills & Judgm$^{t}$ was given for £358.19/ Lawful Money, & £8.3.2 Bills of the new Tenor Costs, & in Order to enable said Timothy the Son to satisfy the Judgment Samuel the Father mortgaged his Estate.

That afterwards said Samuel made repeated Applications to the General Court for Releif, & in October 1750 it was ordered that the Commissioners should forthwith reimburse to said Samuel the Value of Three hundred Pounds Manufactory Bills lodged by Nathaniel Martin in the Clerks Office of the County of Suffolk, & received by said Commiss$^{rs}$ & burnt.

The Committee are of Opinion that althô the Pet$^{r}$ in his former Application to the Court represented both Actions as brot against him self, when in fact the second was against his Son, yet in as much as the Pet$^{r}$ was really the Sufferer that therefore he should be considered as the Person to be releived to the exclusion of any Demand that might have been brought on Account of said Action by the Petitioners Son, And that the Pet$^{r}$ be allowed out of the Estate of the Company Three hundred & sixty six Pounds eight Shillings & four pence Lawful Money the Amount of the Judgment against his Son & the Costs in that Action; but that no Allowance be made for the Costs in any former Action; that he be likewise allowed Interest on the said Sum from 5$^{th}$ March 1743, untill Payment amounting to £591.0.10. The Committee are of Opinion that the other Charges in the Schedule to the Petition annexed, be not allowed.

The Committee find that on the 5th October 1752. the Petr received £15 from the Commissioners, and on the 17th January 1753, £84.0.8 & on the January 1756, the Commissioners gave him an Order to discount with the Sheriff of the County of Suffolk £459, the Purchase Consideration for the Estate of Solomon Hewes one of the Delinquent Partners of the Land Bank Scheme; And althô upon an Action of Trespass on said Estate brought by the Petr he failed of Recovering, yet as no Action of Ejectment has been brought; and as the Sheriff has given a Warranty of said Estate to the Petr & in Case the Petr should finally fail of his Title, he has his Remedy; The Committee are therefore of Opinion that he ought to stand charged with that Sum.

The several Sums aforesaid amount to £558.0.8, so that a further Sum of £33.0.2 remained due to the Petr to satisfy the Value of £300 Land Bank Bills as aforesaid; but inasmuch as the Petr was bound with one George Hews, Robert Hewes & Joseph Calef for the Payment of said George Hews's Dues to the Company, & the said George Hews is since dead and reputed Insolvent, the Committee are therefore of Opinion that the aforesaid Sum of £33.0.2 ought not to be paid unto the Petr untill the aforesaid Bond is satisfied.

The Petitioner did not support his Suggestion against the Commissioners as guilty of Male Conduct, and therefore we conceive it ought to be deemed groundless; All which is humbly submitted, By Order of the Comtee EZEKIEL CHEVER.

Read &

*Ordered* that this Report be Accepted. [*Passed September 10.*

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## CHAPTER 163.

VOTE FOR THE REMOVAL OF A FRENCH FAMILY FROM LITTLETON TO HARVARD.

Legislative Records of the Council, xxi., 277. Mass. Archives, xxiii., 222.

Mass. Archives, xxiii., 221. House Journal, p. 177. Province Laws, iii., 1058, note.

*Voted* that the French Family sent this Week to Littleton be removed from thence to Harvard. [*Passed September 10.*

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## CHAPTER 164.

VOTE DIRECTING THE COMMITTEE OF WAR TO PURCHASE AND SEND CLOTHING TO THE ARMY AT CROWN POINT.

Legislative Records of the Council, xxi., 278. Mass. Archives, lxxvi., 66.

House Journal, p. 180. Province Laws, iii., 1022, chap. 22. *Ante*, p. 443, chap. 282.

*Voted* That the Comtee of War be directed to purchase and send to the Army gone on the Expedition against Crown point, such Cloathing as they shall find the Soldiers stand in need of; & that provision be made in the next Supply Bill for the Charge thereof. [*Passed September 11.*

## CHAPTER 165.

ORDER IMPOWERING JOSEPH GREEN, AND NICHOLAS BOYLSTONE, TO ENTER A COMPLAINT.

A Petition of Joseph Green & Nicholas Boylstone of Boston Merch^ts^ shewing that at the Inferiour Court of Common Pleas held at Boston in April last past, they brought their Action against John Osborne Taverner, & recovered Judgment against him, from which he appealed to the Superiour Court held in August last which was contrary to his Engagement, and much to the surprize of the Petitioners, who being ignorant of this Appeal, (which the said Osborne failed of prosecuting) lost their Opportunity of filing their Complaint for obtaining a Confirmation of the Judgment of the Inferiour Court, Praying that they may be allowed to do it at the next superiour Court for the County of Suffolk,

Legislative Records of the Council, xxi., 269. Mass. Archives, xliv., 307.

Read and it appearing that the adverse Party has been Serv'd with a Copy of this Petition, and no answer being given in,

Mass. Archives, xliv., 306. Legislative Records of the Council, xxi., 278. House Journal, pp. 169, 170, 180. Province Laws, iii., 64, chap. 32.

*Ordered* That the Prayer of the Petition be So far granted as that the Petitioners be and hereby are allow'd to file their Complaint withinmentioned, at the next Sup^r^ Court of Judicature &c to be held and kept at Boston within and for the County of Suffolk on the third Tuesday of February next; and the Justices of Said Court are impowered to recieve the Same and enter up Judgment thereon and award Execution accordingly. [*Passed September 11.*

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## CHAPTER 166.

VOTE DESIRING THE CAPT. GENERAL TO GIVE ORDERS FOR HAVING 1,000 MEN IN READINESS FOR ASSISTANCE OF THE ARMY, ETC.

*Voted:* that his Excellency y^e^ Captain Generall be desired to lodge Orders w^th^ Coll^l^ Israel Williams of Hatfield. & Coll^l^ John Worthington of Springfield for draughting three Hundred & fifty Men. out of each of their Regiments. & with Coll^l^ John Chandler of Worcester, & y^e^ chief Officer of y^e^ Regiment under y^e^ Command of Coll^l^ Timothy Ruggles of Hardwick for draughting. One hundred & fifty Men out of each of their Regiments: to be held in Readyness to March upon any extraordinary Emergency for y^e^ Relief & Assistance. of y^e^ Provincial Troops under y^e^ more immediate Command of Major Generall Winslow & not to be held after the Enemy is Withdrawn. and that his Excell^cy^ be desird to give directions to y^e^ Collonels afores^d^ to cause y^e^ s^d^ Men to March. [1] so soon as they shall receive certain Intelligence, from y^e^ Right Hon^ble^ y^e^ Earl of Louden or from Major Generall Winslow of any Motions of y^e^ Enemy to Attack y^e^ Provincial forces.[1] & that his Excell^cy^ the Governour be desird to comission proper Officers to command s^d^ Men who shall receive y^e^ same Pay & subsistance as others in y^e^ service. to comence at y^e^ time of their Marching

Legislative Records of the Council, xxi., 278. Mass. Archives, lxxvi., 68.

Legislative Records of the Council, xxi., 249, 251, 261, 265, 270, 271, 273. House Journal, pp. 171, 172.

*Voted.* also: that there be Allowd three Dollars to each Man that shall be draughted out on this Occasion who shall provide himself w^th^ a good Musket to carry with him. & shall actually proceed

[1] The inclosed words are underlined and braced in the original.

in s[d] Service: said Money to be paid at the time when they shall receive their Wages. and to be added in y[e] Muster Rolls accordingly and that his Excellency y[e] Governour be desird to give Orders. to some suitable Persons to cause to be Impress'd in the County of Hampshire such a Number of Ox Teams for the Use of the Army. as shall be found Necessary. [*Passed September 11.*

## CHAPTER 167.

VOTE DESIRING THE CAPT. GENERAL TO GIVE ORDERS FOR A SCOUT TO EXPLORE THE WAY TO THE CHAUDIERE RIVER.

Legislative Records of the Council, xxi., 279. Mass. Archives, lxv., 263.

Legislative Records of the Council, xxi., 159. House Journal, p. 163. *Ante*, p. 552, chap. 57.

*Voted*, That his Excellency the Govern[r] be desired to give orders, to some suitable number of men, not exceeding fifteen in the whole, to be in one Company or more as Shall be Judged best, to discover by actual observation on the spot, the distance & quality of the way from the head of Kenebeck River, the nearest practicable way to the head of Chaudier & by or near Chaudier, down to the River S[t] Lawrence, & make report to this Court with an exact Journal on oath of their proceedings, containing an acco[t] of each days doings, with every observable occurrent tending to give a good knowledge of that way to Canada, to be laid before this Court by the 25[th] day of November next, to be paid Each man at the Rate of six Dollars per week, they providing wholly for themselves; they going down on or near Chaudier to the mouth of that River, unless prevented by some unavoidable obstruction [1]one weeks pay to be advanced by the Province Treasurer to them, at their setting out.[1] and

As a further Encouragement, they Shall be entituled to the full preemium for Prisoners & scalps.[2] [*Passed September 11.*

## CHAPTER 168.

VOTE ON THE MEMORIAL OF THOMAS HUTCHINSON IN REGARD TO A FRENCH FAMILY.

Legislative Records of the Council, xxi., 267. Mass. Archives, xxiii., 209.

A MEMORIAL of Thomas Hutchinson Esq[r] Praying that a French Family of the late Inhabitants of Nova Scotia (particularly named) now in Boston may be allowed to continue there, or be removed to Cambridge the Memorialist being willing, (if required) to give Bond for their good Behaviour:

Mass. Archives, xxiii., 206–208. Legislative Records of the Council, xxi., 279.

*Voted* that the Prayer of the Pet[n] be so far granted as that the four Children and Grand Child. mentioned be not Sent from Boston to any remote place but be continued under the Pet[r's] care; He engaging for their good behaviour, and keeping them within one Mile of his Dwelling House in Milton. [*Passed September 11.*

[1] The words "one weeks pay . . . at their setting out" are not found in Legislative Records of the Council, xxi., 279.

[2] Final action on this chapter not found in the House Journal.

## CHAPTER 169.

VOTE REFERRING ALL UNFINISHED MATTERS.

Legislative Records of the Council, xxi., 279.

House Journal, p. 180.

*Voted* that all Matters before the Court & not passed upon have the same Day at the next Sitting of this Court.[1] [*Passed September 11.*

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## CHAPTER 170.

ORDER ANNEXING THE INHABITANTS OF THE DISTRICT OF CARLISLE WITH THEIR ESTATES TO THE TOWN OF CONCORD.

Legislative Records of the Council, xxi., 238, 284.

House Journal, pp. 101, 185. Province Laws, iii., 729, chap. 36; v., 1354, note.

A Petition of a Committee of the Inhabitants of the District of Carlisle, setting forth the Difficulty's attending their public Affairs, which seem to render it impossible that they should be able to continue together, without the utmost Confusion; that they have applied to the Town of Concord to receive back such of the Inhabitants of Carlisle, as did belong to that Town, to which Motion the said Town voted to make no Opposition, and therefore praying that this Court would grant Releif to the said Inhabitants in such Manner as they shall judge most proper.

read & it appearing that the Pet$^{rs}$ had served the Town of Concord with a Copy of the Petition, who have made no Answer to the same.

Therefore

*Ordered* that the Prayer of the Petition be granted, & that the Inhabitants together with their Estates be annexed to the Town of Concord agreable to their Petition, there to do Duty & enjoy Priviledge accordingly. [*Passed October 6.*

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## CHAPTER 171.

ORDER IMPOWERING THO$^{S}$ BOYLSTONE TO EXPORT PROVISIONS TO JAMAICA OR THE BAY OF HONDURAS.

Legislative Records of the Council, xxi., 284. Mass. Archives, lxv., 267.

Mass. Archives, lxv., 266. House Journal, p. 185. Province Laws, iii., 901, chap. 30; 956, note. *Ante*, p. 270, chap. 261.

A Petition of Thomas Boylstone of Boston Merch$^{t}$ shewing that he is fitting out the Ship Honduras Daniel M$^{c}$Carty Master on a Voyage for Jamaica and the Bay of Honduras, praying that he may be allowed to ship on board her a Quantity of Provisions for the last mentioned Place.

Read and

*Ordered* that the prayer of the Pet$^{n}$ be so far Granted as that the Pet$^{r}$ be allowed to ship the Provisions within Mentioned aboard s$^{d}$ Ship he Giving Bond to the Comm$^{r}$ of Impost of One Thousand pounds sterling to land the s$^{d}$ Provisions in the Island of Jamacia or the Bay of Hondoras And upon Return of the s$^{d}$ Ship the Chief Officer making Oath that the said Provisions were bona fide landed as above s$^{d}$ then the said Bonds to be Cancelled. [*Passed October 6.*

[1] Adjourned to October 5. See Legislative Records of the Council, xxi., 280.

## CHAPTER 172.

ORDER ACCEPTING REPORT OF COMMITTEE IN REGARD TO SOLDIERS TO BE SENT OUT OF THE WESTERN PARTS AGAINST CROWN POINT.

Legislative Records of the Council, xxi., 284. Mass. Archives, cix., 358.

THE COMMITTEE appointed to consider His Honour the Lieu[t] Governours Message accompanied by a Letter from his Excellency the Right hon[ble] the Earl of Loudoun & other Papers relative to the present Expedition are humbly of Opinion,

Mass. Archives, cix., 356. Legislative Records of the Council, xxi., 283. House Journal, p. 184. *Ante*, p. 443, chap. 282; p. 513, chap. 459; p. 597, chap. 166.

That His Honour give the necessary Orders for marching forthwith under proper Officers the Thousand Men which were ordered to be held in readiness in the Counties of Hampshire & Worcester for the Releif & Assistance of the Forces destined against Crown Point; And that there be allowed a Blanket to each of said Men, to be furnished in Manner following, viz[t] That every Man who shall carry a good Blanket with him to the acceptance of his Captain be allowed Ten shillings & eight pence, to be paid when he receives his Wages, & to be made up in the Muster Roll accordingly; And in Order to supply any Deficiency the Committee are of Opinion that Col[o] Chandler be allowed to deliver the Province Blankets now in his Possession and not otherwise demanded to some one or more of the Captains, who are to lead said Men, taking his or their Receipts for the same, And that the Committee of War be directed to give Orders to M[r] Commissary Emerson to supply any further Deficiency at Albany when the Men shall arrive there, taking the Captains Receipt for the same as aforesaid, and that the Captains in making up their Muster Rolls distinguish the Men thus supplied from those who found their own Blankets, in Order to discharge themselves from the Receipts given as aforesaid, The Committee ask Leave to sit again further to consider the purport of his Honour's Message,

JOHN HILL per Order.

Read and

*Ordered* that this Report be accepted. [*Passed October 6.*

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## CHAPTER 173.

ORDER IMPOWERING W[M] YOUNG, ADM[R], TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 285. Mass. Archives, xix., 449.

A PETITION of William Young Administ[r] of the Estate of Samuel Thomas jun[r] late of Worcester dec[d] setting forth the Insufficiency of his personal Estate to pay his Debts, and praying for Liberty to sell fifty Acres of Land in Pelham, belonging to said Estate for Payment of the Debts &c[a]

Mass. Archives, xix., 448. House Journal, pp. 185, 186. Province Laws, ii., 151, chap. 10.

Read and

*Ordered* that the Prayer of the Petition be granted and that the Petitioner in his said Capacity be and he hereby is Impowered to make Sale of the fifty acres of Land Mentioned and to make and Execute a good Deed or Deeds in the Law of y[e] same. he observing the Rules in the Law respecting the sale of Real Estates by Ex[s] or adm[s]. and giving Sufficient Caution. to the Judge of Probates for the County of Worcester. where the Dce[d] Dwelt. for the application of the money arising by s[d] Sale and for his duely accounting for y[e] overplus. [*Passed October 7.*

## CHAPTER 174.

ORDER IMPOWERING JOSEPH ALLEN, ADM$^{R}$, TO SELL AN ESTATE.

A Petition of Joseph Allen Administ$^{r}$ of the Estate of Elisha Pike late of Hardwick dec$^{d}$ shewing that after Payment of the Debts due on the said Estate, the Remainder is inconsiderable & no ways sufficient for the necessary Support of the Widow & Children, & praying for Liberty to sell the Real Estate.

Read and

*Ordered* that the Prayer of the Petition be granted and that y$^{e}$ Petitioner in his said Capacity be and he hereby is Impowered to make Sale of the Estate mentioned and to make & Execute a good Deed or Deeds in the Law of the same he observing the Rules in the Law respecting the sale of real Estates by Ex$^{s}$ or adm$^{s}$ and giving Sufficient Caution to the Judge of Probate for the County of Worcester for the application of the money arising by said Sale as is therein mentioned. [*Passed October 7.*

Legislative Records of the Council, xxi., 285. Mass. Archives, xix., 447.

Mass. Archives, xix., 446. House Journal, pp. 185, 186. Province Laws, ii., 151, chap. 10.

## CHAPTER 175.

ORDER IMPOWERING JOHN & RICHARD HOOTON TO EXPORT PROVISIONS TO SURINAM.

A Petition of John Hooton & Richard Hooton, Praying for Liberty to send to Surinam in the Schooner Mary whereof Thomas Tufton is Master a Quantity of Provisions particularly mentioned in the Petition,

Read and

*Ordered* that the Prayer of this Petition be so far Granted as that the Pet$^{rs}$ have liberty to Ship the Provisions within ment$^{d}$ aboard said Vessell Provided they give Bond of One thousand pounds sterling to the Commissioner of Impost to Land the same in the Port of Surrinam And on the Return of said Vessell if the Chief Officer shall make Oath that the said Provisions were Bona fide Landed in said Port of Surrinam then the Bonds shall be Cancelled. [*Passed October 7.*[1]

Legislative Records of the Council, xxi., 286. Mass. Archives, lxv., 270.

Mass. Archives, lxv., 269. House Journal, p. 189. Province Laws, iii., 901, chap. 30; 956, note. *Ante*, p. 270, chap. 261.

## CHAPTER 176.

VOTE FOR SENDING INTELLIGENCE OF THE MOVEMENTS OF THE FRENCH.

*Voted*, That his Honour the Lieu$^{t}$ Governor be desired to write forthwith to his Excellency the Right Hon$^{l}$ the Earl of Loudoun, And to the several New England Governm$^{ts}$ Acquainting them with the Intelligence he has received from Col$^{o}$ Israel Williams of the designs of the French; And That he be also desired to give Orders to y$^{e}$ s$^{d}$ Col$^{o}$ Williams to raise by inlistment or otherwise forty effec-

Legislative Records of the Council, xxi., 286. Mass. Archives, lxxvi., 101.

Legislative Records of the Council, xxi.,

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is October 8.

285. *Ante*, p. 472, chap. 364.

tive Men to be employed in scouting up West River and black River, or any other way which he shall judge more likely to be of Service, the said Men to be employed in said service for a term not exceeding two months from the time of their inlistment, and to have the same pay and Subsistence with others employed in the like service on the Western frontiers.[1] [*Passed October 8.*

## CHAPTER 177.

ORDER APPOINTING A COMTEE TO VIEW CHARLESTOWN POWDER HOUSE.

Legislative Records of the Council, xxi., 287. Mass. Archives, lxxvi., 100.

House Journal, p. 187.

In the House of Repˢ

*Ordered*, That Colº Vassal & Mr Hall, with such as shall be joined by the honᵇ Board be a Comtee to repair to the Town of Charlestown & examine the State of the Powder house there, and report what they judge proper to be done for the better Security of the same

In Council Read & Concur'd & Ezl Cheever Esqr is Joyn'd in the affair. [*Passed October 8.*

## CHAPTER 178.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF BRISTOL COUNTY.

Legislative Records of the Council, xxi., 287.

House Journal, pp. 10, 187, 189.

AN ACCOMPT presented by Mr Robert Luscomb Treasurer of the County of Bristol the last Year, having been laid before the Court of General Sessions of the Peace for the said County, & by them allowed.

Read &

*Ordered* that this Account be allowed, & that the Ballance thereof being Forty three Pounds seven shillings & four pence, the said Treasurer be further accountable to said County for. [*Passed October 8.*

## CHAPTER 179.

ORDER ALLOWING £3. 8. 6 TO JOSIAH JOHNSON.

Legislative Records of the Council, xxi., 287. Mass. Archives, lxxv., 592.

House Journal, p. 191.

A PETITION of Josiah Johnson of Tewksbury shewing that he has been at great Expence upon his Return home from the late Expedition wherein he had served as a Soldier, by Reason of Sickness in that Service. praying that this Court would order the Payment of his Charge.

Read and

*Ordered*, That there be allowed & paid to Mr William Stickney for ye Use of the Petir out of ye Public Treasury, the sum of three pounds eight Shillˢ & six pence in full Consideration of the Expences Mentioned. [*Passed October 9.*

[1] Not found in the House Journal.

# CHAPTER 180.

VOTE FOR ENCOURAGEMENT OF ENLISTMENTS FOR RELEIF OF THE ARMY AGAINST CROWN POINT AND THE FRONTIERS.

Notwithstanding the extraordinary Provision made by this Government in raising Men from time to time for their Defence against the French & Indian Enemy, especially in the Crown Point Expedition, yet having received some late Intelligence that there is great Danger of a large Body of the Enemy's coming to attack our Army or otherwise invade some of the English Settlements;

Legislative Records of the Council, xxi., 288.

Mass. Archives, lxxvi., 103. House Journal, p. 192.

*Voted* as a further Provision against the Enemy that for the encouragement of such able bodied effective Men, as shall voluntarily march to the Releif of the Army under Major General Winslow or [of] [1] any of the Towns of this Government, whenever the Colonels of any of the Regiments in the Counties hereafter mentioned shall notify the Danger there may be of an immediate Attack from a superiour Force of the Enemy; they shall be allowed Pay & Subsistence from the time of their setting out untill the Occasion of their Proceeding be removed, at which time, or at furthest at the expiration of forty days they shall be dismiss'd, And that his Honour the Lieutenant Governour be desired to give Directions to the Colonels of the Militia in the Counties of Suffolk, Plymouth, Bristol, Essex, Middlesex, Worcester & Hampshire, to forward the March of any Men out of the respective Regiments under such Officers of the Militia as shall be agreable to them, Provided that Pay shall be allowed to no Officer higher than a Captain, and that Pay shall be allowed to one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, One Clerk & one Drummer to every fifty Men, including said Officers & so in Proportion for a less Company & not otherwise. [*Passed October 9.*

*Ante*, p. 597, chap. 166.

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# CHAPTER 181.

ORDER IMPOWERING JONATHAN WILLIAMS AND TUTHIL HUBBARD, EXECUTORS, TO SELL AN INTEREST IN LANDS.

A Petition of Jonathan Williams & Tuthil Hubbard Executors of the Testament of John Franklyn dec[d] shewing that he (with others) purchas'd a Tract of Land at Braintree of John Quincy Esq[r] upon Condition to pay a yearly Quit Rent therefor, that the said Testator improved his part of the Premises by building on them, but died before his Buildings were finished, & has not left Personal Estate sufficient to compleat & improve them, that they are continually lessening in Value, Praying for Liberty to make Sale of the said Buildings in such Manner as will be most for the Advantage of the Heirs.

Legislative Records of the Council, xxi., 260. Mass. Archives, xix., 438.

Mass. Archives, xix., 435, 439. House Journal, pp. 149, 152. Province Laws, ii., 151, chap. 10.

Read and

*Ordered* [2] that this Pet[n] be revived That the prayer of the Pet[n] be granted and that the Pet[rs] be and they hereby are allowed and authorized in their said Capacity to Charge the seperate Interest

[1] Inserted from the House Journal, p. 192.

[2] This order was not found in Legislative Records of the Council.

of their said Testator, with its proportion of the aforesaid Incumberance and to execute such Mortgages or other Deeds as may be Necessary to Charge the Land for that purpose, and that they be further authorized in their said Capacity to make Sale of the Testators Interest in said Land being one fifth part of the whole of said Land and to execute a legal Conveyance thereof to such person or persons who will give most for the same they first giving Bond to the Judge of Probate of the County of Suffolk to Account for the produce of such Sale. [*Passed October 12.*

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## CHAPTER 182.

VOTE APPOINTING A COMMITTEE TO PREPARE A LETTER TO THE EARL OF LOUDOUN AND ALSO AN ESTIMATE OF COST OF PRESENT EXPEDITION AGAINST CROWN POINT.

Legislative Records of the Council, xxi., 289. Mass. Archives, lxxvi., 108.

In Council

The Board taking into consideration the subject Matter of the Conferrence of yesterday between the two Houses;

*Resolved* that the Board will join with the House to morrow morning at ten aClock in the Choice of Commissioners to wait on his Excellency the Right Honourable the Earl of Loudoun

Legislative Records of the Council, xxi., 283, 288. House Journal, pp. 183, 190 *bis*, 192, 196, 197. *Post*, p. 605, chap. 185.

*Voted* That Andrew Oliver and Thos Hutchinson Esqrs with such as the Honble House shall appoint be a Committee to prepare a Letter to be signed by the Secretary in the Name of the Government to the Right Honourable the Earl of Loudoun declaring the Courts acceptance of his Lordships proposal relative to the Provisions and acquainting his Lordship with the Assurances given by the Secretary of State that the whole expence of such Provisions and Stores &c should be born by the Crown also mentioning to his Lordship the term of Enlistment of the Forces in the present Expedition and further acquainting his Lordship that this Court have appointed Commissioners to conferr with him upon the aforesaid Subject and also to confer in Concert with such other Governments as his Lordship shall think proper to notify, upon the measures wch he shall judge necessary for defending and preserving his Majestys Interest upon this Continent so far as his Lordship shall think fit to communicate the same; and praying his Lordship to appoint a time and place of Meeting if he shall think proper

And the said Committee are also in the recess of the Court to prepare on Account of the cost and charge. of the several Articles of Expence arisen by means of the present Expedition except those of raising arming and cloathing the Forces. And also to prepare Instructions for the Commissioners and to make report the first day of the next sitting of the Court

In the House of Repues

Read and Concurd and Mr Speaker Mr Flucker and Colo Otis are Joyned in the Affair. [*Passed October 12.*

## CHAPTER 183.

ORDER IMPOWERING SAM[L] POIGNET, INDIAN, TO SELL LAND.

A Petition of Samuel Poignet of Natick, Indian, Praying for Liberty to sell thirteen Acres & three quarters of his Land lying in Natick, for the payment of his Debts, and for the Charge of fencing his Land, the Remainder of the Produce of the Sale to be put to Interest for the Pet[rs] Benefit.

Legislative Records of the Council, xxi., 289. Mass. Archives, xxxii., 743.

Read and

*Ordered* that the Pet[r] have liberty (with the Advice and assistance of the Guardians to the Natick Indians) to sell the 13¾ Acres of Land within mentioned, for the most the same will fetch and to execute a good Deed for the Same part of the produce thereof to be applyed to the payment of the Debt within mentioned the remainder to be let out on Interest for the Support of the Petitioner

Mass. Archives, xxxii., 742. House Journal, pp. 185, 186, 193. *Ante*, p. 110, chap. 256.

The s[d] Guardians to be accountable for their proceedings to this Court. [*Passed October 12.*

## CHAPTER 184.

ORDER IMPOWERING JOSHUA BRAND, INDIAN, TO SELL LAND.

A Petition of Joshua Brand of Needham, Indian, Praying for Liberty to sell eight Acres of his Land lying in Natick, for discharging a Judgment of Court recovered ag[st] him by Nath[l] Ballard, & to compleat the Payment for a Tract of Land purchased by him, & lying in Bridgwater.

Legislative Records of the Council, xxi., 290. Mass. Archives, xxxii., 741.

Read and

*Ordered* that the Pet[r] have liberty (with the Advice and assistance of the Guardians to the Natick Indians) to sell the Eight Acres of Land within mentioned and to execute a good Deed for the same; the produce thereof to be applyed to the purposes within mentioned The s[d] Guardians to be accountable for their proceedings to this Court. [*Passed October 12.*

Mass. Archives, xxxii., 740. House Journal, pp. 185, 186, 193. *Ante*, p. 110, chap. 256.

## CHAPTER 185.

VOTE APPOINTING COMMISS[RS] TO WAIT ON THE EARL OF LOUDOUN.

This day being appointed for the Choice of Commissioners to repair to Albany to confer with his Excellency the Right Honourable John Earl of Loudoun when the follow[g] Gentlemen were chosen by a Major Vote of the Council & House of Representatives viz

Legislative Records of the Council, xxi., 290. Mass. Archives, lxxvi., 112.

S[r] William Pepperrell Bar[t]
Thomas Hutchinson } Esquires
Robert Hale }

House Journal, p. 196a. *Ante*, p. 604, chap. 182.

[*Passed October 13.*

## CHAPTER 186.

VOTE FOR REMOVING FRENCH INHABTS FROM CHARLESTOWN AND MARBLEHEAD.

Legislative Records of the Council, xxi., 290. Mass. Archives, xxiii., 231.

House Journal, p. 196a. Province Laws, iii., 1058, note. *Ante*, p. 529, chap. 2.

*Voted* that the late French Inhabitants of Nova Scotia now in the Towns of Charlestown and Marblehead being forty Nine in all be forthwith removed from thence to the hereafter mentioned Towns in the following proportion Viz. To Medway 6. To Bellingham 4. To Walpole 4. To Sherburne 5. To Natick 6 To Southborough 3. To Dudley. 6. To Medfield 5 To Holliston 4. To Dracut 4. To Dunstable 2.

*Voted* also that the Sheriffs of the Counties of Essex and Middlesex be directed to Cause the said French Persons to be conveyed to said Towns respectively, and in all things concerning them to govern themselves by the Laws and Orders of this Court making provision for the Inhabts of Nova Scotia sent here from that Government. And that said Laws and Orders be sent to the several Towns, that they may be duely Executed, especially those Paragraphs relating [to][1] the keeping the Said French Inhabitants in the several Towns. [*Passed October 13.*

## CHAPTER 187.

ORDER GRANTING TO JOHN GLOVER LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xxi., 290. Mass. Archives, cxx., 122.

House Journal, pp. 196a, 197a.

A PETITION of John Glover of Marblehead shewing that he has obtained the Approbation of the Select Men of said Town to retail strong Drink there; but thrô Sickness was prevented from applying to the Court of General Sessions in the County of Essex for a Licence, Praying that the said Court may be impowered at their present Sessions to grant him such Licence.

Read and

*Ordered* that the Justices of the Genl Sessions of the Peace for the County of Essex now holden at Newbury be allowed (if they See cause) to grant the Petr a Licence to retail Strong Liquors the ensuing Year; the time for granting Licences being elapsed notwithstanding. [*Passed October 13.*

## CHAPTER 188.

Legislative Records of the Council, xxi., 291. Mass. Archives, xxiii., 230.

House Journal, p. 196a. *Ante*, p. 579, chap. 122.

VOTE IN REGARD TO BRINGING IN ACCTS OF CHARGES FOR SUPPORT OF THE FRENCH INHABTS.

*Voted* that the Select Men of the several Towns who have the care of the late French Inhabts of Nova Scotia be directed to Send into the Secretary's Office, their respective Accounts to the 10th of November next, on or before the first fryday of the next Fall Session; and that this Order be printed in one or more of the publick News papers. [*Passed October 13.*

[1] Inserted from Legislative Records of the Council, xxi., 290.

## CHAPTER 189.

VOTE IMPOWERING ABIGAIL BALL, ADM^x^, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Abigail Ball of Southborô Administ^x^ of the Estate of Peter Ball late of said Town dec^d^ shewing that his Real Estate is small & not capable of being divided without great Damage, & the Personal Estate not sufficient to pay the Debts, therefore praying for Liberty to sell the whole Real Estate for that Purpose.

Legislative Records of the Council, xxi., 291. Mass. Archives, xix., 452.

[Read and]

*Voted* that the Prayer of the Petition be Granted & that the Petitioner Abigaill Ball In her Said Capacity be & hereby is fully authorized & Impowered to make Sale of her Deceased Husbands Reall Estate therein Mentioned for the most the Same Will fetch & to Execute a Good Deed or Deeds of Conveyance for the Same in Law to the Purchaser The Petitioner first Giving Security to the Judge of Probate for the County of Worcester that the moneis arising by the Sale thereof, after the payment of the Just Debts of the Intestate Be Distributed to & Between all Persons Interested in S^d^ Estate According to the Directions of the Law for the Distribution of Intestate Estates. [*Passed October 13.*

Mass. Archives, xix., 450, 451. House Journal, pp. 197a, 198. Province Laws, ii., 151, chap. 10.

## CHAPTER 190.

ORDER ALLOWING £5 TO SAM^L^ ANDREWS.

An Accompt presented by Samuel Andrews of billeting twenty Soldiers drawn out of the Regiment under the Command of Col^o^ Daniel Appleton for the Crown Point Expedition, amounting to the Sum of £7.

Legislative Records of the Council, xxi., 201.

Read &

*Ordered* that the Sum of Seven[1] Pounds be allowed the within named Samuel Andrews out of the public Treasury in full of the within Account. [*Passed October 13.*

House Journal, p. 197a.

## CHAPTER 191.

ORDER ALLOWING £8. 13. 2 TO BENJAMIN KNAP.

A Petition of Benj^a^ Knaps of Taunton a Soldier in the late Expedition against Crown Point, Praying that he may be allowed the Charge of his Sickness, which he contracted while in that Service.

Legislative Records of the Council, xxi., 291. Mass. Archives, lxxv., 678.

Read and

*Ordered* that the sum of Eight pounds thirteen shillings and two pence be allowed to be paid out of the publick Treasury to Col^o^ White for the Use of the Petitioner. [*Passed October 13.*

Mass. Archives, lxxv., 678. House Journal, p. 197a.

[1] The House Journal, p. 197a, reads, £5.

## CHAPTER 192.

ORDER ALLOWING £4. 7 TO PHINEAS HATHWAY.

Legislative Records of the Council, xxi., 291. Mass. Archives, lxxv., 145.

House Journal, p. 197a.

A PETITION of Phineas Hathway a Soldier in the late Expedition against Crown Point, shewing that he was brôt home sick from the said Service, & praying that he may be allowed the Expence of his Sickness.

Read and

*Ordered* that the Sum of four pounds Seven Shillings be allowed to be p$^{d}$ out of the publick Treasury to Col$^{o}$ White for the Use of the Petitioner. [*Passed October 13.*

## CHAPTER 193.

ORDER ALLOWING £2. 7. 8 TO SETH PITTS.

Legislative Records of the Council, xxi., 292. Mass. Archives, lxxv., 723.

Mass. Archives, lxxv., 723. House Journal, p. 197a.

A PETITION of Seth Pitt a Soldier in the late Expedition against Crown Point, shewing that he was taken sick on his Return home, And praying that he may be allowed his Charge of his said Sickness,

Read and

*Ordered* that the Sum of two pounds Seven Shillings and eight pence be allowed to be paid out of the publick Treasury to Col$^{o}$ White for the Use of the Pet$^{r}$. [*Passed October 13.*

## CHAPTER 194.

VOTE ACCEPTING REPORT OF COMMITTEE ON THE DEFENCE OF THE SEA COAST, AND APPOINTING A COMMITTEE TO PROVIDE TWO ARMED VESSELS THEREFOR.

Legislative Records of the Council, xxi., 292. Mass. Archives, lxv., 272.

Mass. Archives, lxv., 271. House Journal, pp. 178, 196, 196a, 197. Province Laws, iii., 1062, note; xiv., 606, chap. 180. *Ante*, p. 594, chap. 161.

THE COMMITTEE appointed to take under Consideration in the recess of the Court some proper Method for the Security of the Sea Coast in this time of Danger, have attended that Service, & apprehending that the Governments of Connecticut & Rhode Island will provide themselves Vessels for the Protection of their Trade, & of their Coasters importing their Provisions &c$^{a}$ so far as the Island of Nantucket, but no further; but after that our Vessels will be greatly exposed to the Enemy, & our Fishery be intirely without Defence, unless some Provision be made for their Protection.

They therefore beg Leave to report as their Opinion, that two suitable Vessels be provided at the Charge of this Government, the one for the Protection of our Coasters from the Southward, and another for the Protection of the Fishery, and other Inward bound Vessels; and for which the Guns and other Warlike Stores, which were reserved in the Sale of the Massachusets Frigate now in the Commissary's Care, and of the Value of about Four hundred Pounds Sterling may be well improved, & so far a saving to the Province,

and that a Committee be appointed for this Purpose: Which is humbly submitted. By Order of the Committee

Jacob Wendell.

In the House of Rep^ves

Read and

*Ordered* that this report be accepted and that M^r Speaker M^r Welles and M^r Flucker with such as the Hon^ble Board shall Joyn be a Comm^ee to provide two Suitable Armed Vessells accordingly.

In Council, Read and Concur'd & Tho^s Hutchinson & John Erving Esq^rs are joined in the Affair. [*Passed October 13.*[1]

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## CHAPTER 195.

VOTE DESIRING THE LIEUT. GOVERNOUR TO ORDER THE SICK SOLDIERS FROM ALBANY TO BE LANDED AT CASTLE WILLIAM.

Whereas a Number of the Forces raised by this Province for the Crown Point Expedition, are by sickness & otherways, rendered incapable of Service & may soon be expected from Albany, & it is judged most for the publick Safety, that Such persons should be landed & aired sometime, before they return to their several Homes, & as Castle Island hath now on it a Large Barrack, every way accommodated for the reception & comfort of such Invalids,

Legislative Records of the Council, xxi., 292. Mass. Archives, lxxxvii., 332.

House Journal, p. 198.

*Voted*

That his Honour the Lieu^t Governour be desired to give Orders to the Commanding Officer of Castle William to bring to & stop all Vessells from Albany, haveing such sick Persons on board, in order to their being landed & cleansed And that the Commissary Generall procure a Number of Bedds & Blanketts (not exceeding 100 Each) & other Necessarys for the Sick, & see that they be well taken Care of whilst at the Barrack, & that none of the Persons so landed be permitted to come off the s^d Island without this[2] Consent of the commanding officer at s^d castle. [*Passed October 14.*

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## CHAPTER 196.

ORDER ALLOWING THE ACCOUNT OF THE TREASURER OF PLYMOUTH COUNTY.

An Accompt presented by Edward Winslow Esq^r Treasurer of the County of Plymouth for the last Year, having been by him laid before the Court of General Sessions of the Peace for the said County & by them allowed. Read &

Legislative Records of the Council, xxi., 293.

House Journal, pp. 10, 190.

*Ordered* that this Account be allowed, and that the Ballance thereof being Five Pounds five Shillings & an half penny, the said Treasurer to be further accountable to said County for. [*Passed October 14.*

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is October 14.

[2] *Sic*, it seems, for "the." See Legislative Records of the Council, xxi., 292.

## CHAPTER 197.

ORDER IMPOWERING MARY PEGAN, INDIAN, TO SELL REAL ESTATE.

Legislative Records of the Council, xxi., 294. Mass. Archives, xxxii., 748.

House Journal, pp. 197[a], 198, 199. *Ante*, p. 110, chap. 256.

A PETITION of Sarah[1] Pegan of Natick, Indian, shewing that she has been necesitated to contract Debts for her own & her sick Child's support praying that She may be allowed to sell some part of her Lands for the Payment of her Debts, and the further Support of her said Child.

Read and

*Ordered* that the Prayer of this Pet[n] be granted, and the Pet[r] is hereby fully impowered (with the advice and consent of the Guardians to the Natick Indians) to Sell so much of her real Estate, where it will be lest prejudicial (and to execute a good Deed of the Same) as shall be absolutely necessary to discharge her Just Debts, and to enable her to Support her Sick Child. The Said Guardians to be accountable for their proceedings herein to this Court. [*Passed October 14.*

## CHAPTER 198.

ORDER ACCEPTING REPORT OF COMMITTEE ON THE CHARLESTOWN POWDER HOUSE AND APPOINTING A COMMITTEE TO EFFECT REPAIRS.

Legislative Records of the Council, xxi., 294. Mass. Archives, lxxvi., 111.

Mass. Archives, lxxvi., 110. House Journal, p. 199. *Ante*, p. 602, chap. 177.

THE COMMITTEE on the Affair of the Powder House at Charlestown, reported: That for the better Security of the Powder within said House the Doors be repaired & plated with lead, and the Outer Door be secured w[th] a large Lock on the Inside, and two Bars of Iron with padlocks on the Outside, and that said House be picketted round with Pickets nine feet high from the Ground, and twenty feet Distance from the said House, & that the Watch Box be repaired, & a constant Watch kept there by Night.

In the House of Rep[ues]

Read and

*Ordered* that this Report be accepted and M[r] Russell and M[r] Vassall with such as the Hon[ble] Board shall Joyn are a Comm[ee] to take care that the work be Effected.

In Council Read and Concur'd & Ezekiel Cheever Esq[r] is Joined in the affair. [*Passed October 14.*

## CHAPTER 199.

ORDER FOR PROVIDING FOR INVALID SOLDIERS PASSING THROUGH TOWNSHIP NUMBER ONE, AND VOTE REQUIRING SELECTMEN OF TOWNS TO MAKE THE SAME ARRANGEMENTS, ETC.

Legislative Records of the Council, xxi., 296. Mass. Archives, lxxvi., 116.

House Journal, p. 204.

*Ordered* that Cap[t] John Brewer and M[r] John Jackson of N° 1.[2] be impowered to provide a Suitable House or Houses, attendance, Medicines, and other necessaries for such Invalid Soldiers as shall pass thrô said Township in their return from the Camps.

*Voted* also that the Select Men of the several Towns within this Province be impowered to make the like provision for the purpose

[1] The House Journal, pp. 197[a], 198, 199, reads, "*Mary Pegan.*"

[2] This was probably Housatonic No. 1, which afterward became Tyringham.

aforementioned in their respective Towns. And that they Exhibit a particular Account of the names of the Persons Companies and Regiments they belong unto; And the Expences upon such Persons; to this Court for payment. [*Passed October 16.*

## CHAPTER 200.

VOTE APPOINTING A COMTEE TO RECEIVE THE PUBLIC MONEY IN THE HANDS OF THE REGISTER OF THE ADMIRALTY.

In the House of Representves

*Voted* that Mr Speaker & Mr Flucker with such as the honble Board shall join, be a Committee to demand & receive of the Register of the Court of Vice Admiralty the Money in his Hands belonging to the Province, & that they deliver the Sum so received to the Treasr of the Province, taking his Receipt for the same; In Council; Read & Concurred, And William Brattle Esqr is joined in the Affair. [*Passed October 18.*

Legislative Records of the Council, xxi., 297.

Mass. Archives, xliv., 315. House Journal, p. 203.

## CHAPTER 201.

ORDER IMPOWERING SARAH WATT, ADMx, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Samuel Watts Esqr and Sarah his Wife Administx of the Estate of her late Husband Thomas Oxnard of Boston Esqr decd shewing that the said Thomas died seized of One half of a House & Land in Middlestreet in Boston; which House is in a very ruinous Condition, therefore praying for Liberty to sell the said Estate for the Benefit of the Heirs, who are Minors.

Read and in answer to this Petition

*Ordered* That the Petitioner Sarah, be and hereby is allow'd and impowered, in her Capacity of Administratrix, to make Sale of the Estate withinmention'd, and to execute, in due form of Law a Deed, or Deeds for the conveyance thereof to Such Person or Persons as shall give most for the same: And that the Said Sarah have the improvement of one third part of the Produce of the Premises for her Life; Provided Sufficient Security be given to the Judge for the Probate of Wills &c for the County of Suffolk That the Principal Sum allowed her Shall, at her Death, revert to the right Heirs of the withinnamed deceas'd; And That the Remainder of the Purchase Consideration be disposed of to and among the Intestates Children according to Law. [*Passed October 20.*

Legislative Records of the Council, xxi., 298. Mass. Archives, xix., 445.

House Journal, p. 210.

## CHAPTER 202.

VOTE IMPOWERING THE SELECTMEN OF TOWN OF CONCORD TO CHOSE TOWN OFFICERS FOR THE DISTRICT OF CARLISLE LATELY ANNEXED THERETO.

A Petition of the Select Men of the Town of Concord, shewing that that part of the Inhabitants of the District of Carlisle, that went off from Concord being now reincorporated into said Town are destitute of necessary Town Officers to reside among

Legislative Records of the Council, xxi., 298. Mass. Archives, cxvii., 215.

House Journal, p. 210. Province Laws, v., 1355, note. *Ante*, p. 599, chap. 170.

them, Praying that the said Town may be impowered to chuse Officers there to continue during the present Year.

[Read and]

*Voted* that the Town of Concord at their next General Town meeting be and hereby are authorized & impowered to make Choice of a Contable[1] Tythingmen Surveyors of highways & such other Town Officers as they shall think proper & necessary in that part of s[d] Town Lately Call'd the District of Carlisle. publick notice being given thereof in the notification for Calling Said meeting. which officers when Chosen Shall be obliged to Serve in the respective offices to which they shall be chosen under the same Penaltys as the Town officers were that were Chosen in the month of March last. [*Passed October 20.*

## CHAPTER 203.

VOTE APPOINTING A COM[TEE] TO FARM THE EXCISE ON TEA, COFFEE, & CHINA WARE IN SUFFOLK COUNTY.

Legislative Records of the Council, xxi., 299.

House Journal, p. 211. Province Laws, iii., 1063, note.

In the House of Representatives;

*Voted* that John Quincy & Thomas Flucker Esq[rs] with such as the hon[ble] Board shall join, be a Committee to farm out the Duties of Excise on Tea, Coffee & China Ware in the County of Suffolk for one Year from the 1[st] of Nov[r] next: In Council, Read & Concur'd; And Samuel Watts Esq[r] is joined in the Affair. [*Passed October 20.*

## CHAPTER 204.

VOTE APPOINTING A COM[TEE] TO FARM THE EXCISE ON TEA, COFFEE, & CHINA WARE IN ESSEX COUNTY.

Legislative Records of the Council, xxi., 299.

House Journal, p. 211.

In the House of Repres[ves]

*Voted* that Henry Gibbs & Richard Reed Esq[rs] with such as the hon[ble] Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee & China Ware in the County of Essex for one Year from the first of November next: In Council; Read & Concurred & Benj[a] Lynde Esq[r] is joined in the Affair. [*Passed October 20.*

## CHAPTER 205.

VOTE APPOINTING A COM[TEE] TO FARM THE EXCISE ON TEA, COFFEE, & CHINA WARE IN MIDDLESEX COUNTY.

Legislative Records of the Council, xxi., 299.

House Journal, p. 211.

In the House of Representatives,

*Voted* that James Russell and John Hunt Esq[rs] with such as the hon[ble] Board shall join, be a Committee to farm out the Duties of Excise on Tea, Coffee & China Ware in the County of Middlesex for one Year from the first of Nov[r] next: In Council; Read & Concur'd, & Ezekiel Chever Esq[r] is joined in the Affair. [*Passed October 20.*

[1] *Sic.*

## CHAPTER 206.

VOTE APPOINTING A COMTEE TO FARM THE EXCISE ON TEA, COFFEE & CHINA WARE IN HAMPSHIRE COUNTY.

In the House of Representatives,

*Voted* that Joseph Hawley Esqr & Mr Gideon Lyman, with such as the honble Board shall join, be a Comtee to farm out the Duties of Excise on Tea, Coffee & China Ware in the County of Hampshire for one Year from the first of Novr next: In Council; Read & Concur'd; And Eleazer Porter Esqr is joined in the Affair. [*Passed October 20.*

Legislative Records of the Council, xxi., 299.

House Journal, p. 211.

## CHAPTER 207.

VOTE APPOINTING A COMTEE TO FARM THE EXCISE ON TEA, COFFEE, & CHINA WARE IN WORCESTER COUNTY.

In the House of Representatives

*Voted*, That Timothy Paine and William Richardson Esqrs with Such as the Honble Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee, and China Ware in the County of Worcester for one Year from the first of November Next

In Council Read and concur'd and John Chandler is joined in the affair. [*Passed October 20.*

Legislative Records of the Council, xxi., 299. Mass. Archives, cxx., 173.

House Journal, p. 211.

## CHAPTER 208.

VOTE APPOINTING A COMTEE TO FARM THE EXCISE ON TEA, COFFEE & CHINA WARE IN PLYMOUTH COUNTY.

In the House of Representatives;

*Voted* that David Stockbridge Esqr & Capt Ebenezer Sprout, with such as the honble Board shall join, be a Comtee to farm out the Excise on Tea, Coffee & China Ware in the County of Plymouth for one Year from the first of November next: In Council; Read & Concur'd, And John Cushing Esqr is joined in the Affair. [*Passed October 20.*

Legislative Records of the Council, xxi., 299.

House Journal, p. 211.

## CHAPTER 209.

VOTE APPOINTING A COMTEE TO FARM THE EXCISE ON TEA, COFFEE & CHINA WARE IN BARNSTABLE COUNTY.

In the House of Representatives,

*Voted* that James Otis & Rowland Cotton Esqrs with such as the honble Board shall join, be a Comtee to farm out the Duties of Excise on Tea, Coffee & China Ware in the County of Barnstable, for one Year from the first of November next: In Council; Read & Concur'd; And John Otis Esqr is joined in the Affair. [*Passed October 20.*

Legislative Records of the Council, xxi., 299.

House Journal, p. 212.

## CHAPTER 210.

VOTE APPOINTING A COM^TEE TO FARM THE EXCISE ON TEA, COFFEE & CHINA WARE IN BRISTOL COUNTY.

Legislative Records of the Council, xxi., 300.

House Journal, p. 212.

In the House of Representatives

*Voted* that Samuel White Esq^r & M^r Thomas Moorey with such as the hon^ble Board shall join be a Committee to farm out the Duties of Excise on Tea, Coffee & China Ware in the County of Bristol for one Year from the first of Nov^r next: In Council; Read & Concur'd; & George Leonard Esq^r is joined in the Affair. [*Passed October 20.*

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## CHAPTER 211.

VOTE APPOINTING A COM^TEE TO FARM THE EXCISE ON TEA, COFFEE & CHINA WARE IN YORK COUNTY.

Legislative Records of the Council, xxi., 300.

House Journal, p. 212.

In the House of Representatives;

*Voted* that John Bradbury Esq^r & M^r James Gowen with such as the hon^ble Board shall join be a Committee to farm out the duties of Excise on Tea, Coffee & China Ware in the County of York for one Year from the first of November next: In Council; Read & Concur'd; And John Hill Esq^r is joined in the Affair. [*Passed October 20.*

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## CHAPTER 212.

VOTE APPOINTING A COM^TEE TO FARM THE EXCISE ON TEA, COFFEE & CHINA WARE IN THE COUNTY OF DUKES COUNTY.

Legislative Records of the Council, xxi., 300.

House Journal, p. 212.

In the House of Representatives,

*Voted* that John Norton & Zaccheus Mayhew Esq^rs with such as shall be joined by the hon^ble Board be a Committee to farm out the Duties of Excise on Tea, Coffee & China Ware in the County of Dukes County for one Year from the first of November next; In Council; Read & Concur'd, And John Sumner Esq^r is joined in the Affair. [*Passed October 20.*

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## CHAPTER 213.

VOTE APPOINTING A COM^TEE TO FARM THE EXCISE ON TEA, COFFEE & CHINA WARE IN NANTUCKET COUNTY.

Legislative Records of the Council, xxi., 300.

House Journal, p. 212.

In the House of Representatives;

*Voted* that Abishai Folger Esq^r & M^r Richard Coffin with such as the hon^ble Board shall join be a Committee to farm out the duties of Excise on Tea, Coffee & China Ware in the County of Nantucket for one Year from the first of November next: In Council; Read & Concur'd & Jonathan [1] Esq^r is joined in the Affair. [*Passed October 20.*

[1] Neither copy of the Legislative Records of the Council records the surname.

## CHAPTER 214.

VOTE IN REGARD TO TAVERN KEEPERS SUBSISTING SOLDIERS AND TAVERN RATES.

*Voted*, that the Respective Tavern keepers who shall Support any of the Soldier's upon their return home from the army shall be allowed Six pence ℔ meal for Each Soldier they grant Support to. the Said Tavern keepers keeping an acco$^{t}$ of Each Soldiers name and what Company & Regiment they belong to. and that the Said Tavern keepers are hereby Obliged to Support the said Soldiers at the Rate afors$^{d}$ accordingly. [*Passed October 20.*

Legislative Records of the Council, xxi., 300. Mass. Archives, cxi., 390.

House Journal, pp. 213, 214.

## CHAPTER 215.

ORDER ON THE MEMORIAL OF THE GUARDIANS OF THE PUNCAPAUG INDIANS IN REGARD TO BOUNDARY LINES.

A Memorial of Robert Spur & others Guardians of the Puncapaug Indians, setting forth their Transactions in the Indians Affairs & the great Danger there is of their English Neighbours encroaching & tresspassing upon their Lands, & therefore praying that they may be carefully surveyed & the Bounds thereof settled:

Read and

*Ordered*, That the Memorialists in their Capacity of Guardians to Said Indians, be and hereby are impowered, by a Surveyor & Chain Men upon oath to settle the Bounds of the said Lands between them & the English bordering on the same, and that it be done at the charge of the english Abutters & Said Indians in proportion to their Interest; and that the said Abutters be directed to produce their Deeds in order to Ascertain the bounds of the Said Indians Lands; & that the said Guardians report their doings to the Court as soon as May be. Also

*Ordered*, That the further Consideration of this Memor$^{l}$ be referred to y$^{e}$ fall sessions in order to y$^{e}$ S$^{d}$ Guardians producing the proper Vouchers for their disbursements referred to therein. [*Passed October 20.*

Legislative Records of the Council, xxi., 300. Mass. Archives, xxxii., 739.

Mass. Archives, xxxii., 738.

House Journal, p. 209.

*Ante*, p. 238, chap. 171.

## CHAPTER 216.

ORDER ALLOWING £3. 19 TO JOHN BROCLEBANK.

A Petition of John Broclebank a Soldier in the late Expedition against Crown Point, shewing that upon his Return home he was taken sick of a Fever, Praying that he may be allowed the Charge of his Sickness.

Read and

*Ordered*, That there be allowed to y$^{e}$ Petitioner & paid out of the public Treasury for his Use to M$^{r}$ Thomas Lancaster three pounds Nineteen shillings, in full Consideration of the Expences Mentioned. [*Passed October 20.*

Legislative Records of the Council, xxi., 300. Mass. Archives, lxxvi., 118.

House Journal, p. 212.

## CHAPTER 217.

ORDER ALLOWING 40/ ANNUALLY, ADDITIONAL, TO THOMAS WHITE.

Legislative Records of the Council, xxi., 301. Mass. Archives, lxxvi., 94.

House Journal, pp. 211, 215. Province Laws, xiv., 652, chap. 58.

A PETITION of Thomas White of Marshfield shewing that in Queen Anns War he was dangerously wounded in the Service of this Government, & in a great Measure disabled from Labour, for which he has received a Pension from this Government, but being much advanced in Years it proves insufficient for him; and therefore praying for an Addition thereunto.

Read and

*Ordered*, That there be allowed & paid out of y^e^ Public Treasury Annually the sum of forty shillings in addition to the Pension of three pounds ℔ annum Already granted to y^e^ Pet^r^ during his Natural life. [*Passed October 20.*

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## CHAPTER 218.

ORDER IMPOWERING THE GUARDIAN OF NATHANIEL SUMNER TO EXECUTE A DEED.

Legislative Records of the Council, xxi., 302. Mass. Archives, xlvi., 428.

Mass. Archives, xlvi., 427. House Journal, pp. 208, 217.

A PETITION of Jeremiah Tucker of Milton shewing that he purchased a Tract of Land of Nathaniel Sumner of Stoughton, but thrô his Ignorance took the Deed upon unstamp'd Paper, that he has laid out a considerable Sum for the Improvement of it, that the said Nathaniel is now become Non Compos, & therefore praying that his Guardian may be impowered to grant him an authentic Deed of the said Land upon stamped Paper.

Read and

*Ordered* That the prayer of this Pet^n^ be granted; & That y^e^ Guardian to y^e^ within Mentioned Nathaniel Sumner be and he hereby is fully impowered to make & Execute a sufficient Deed of the Land within Mentioned, which shall be deemed, & held good & Valid in the Law to all intents & purposes whatsoever. [*Passed October 21.*

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## CHAPTER 219.

VOTE IN REGARD TO DISPOSITION OF FORCES ON FRONTIERS AND ALLOWING BOUNTY FOR INDIAN SCALPS AND CAPTIVES.

Legislative Records of the Council, xxi., 305. Mass. Archives, lxxvi., 123.

House Journal, pp. 207, 212, 213. *Ante*, p. 472, chap. 364.

*Voted*, that his Honour y^e^ Commander in Chief, be desir'd to give orders that one half of Cap^t^ Freeman's Comp^a^ at S^t^ Georges & one half of Cap^t^ Nicholls Comp^a^ at Sheepscot, and all y^e^ Rest of y^e^ Scouting Companies on the Eastern Frontiers, be dismiss'd y^e^ 1^st^ of Nov^r^ next & the other half of Cap^t^ Freemans & Cap^t^ Nicholls Companies be continu'd on Duty as heretofore till y^e^ 20^th^ of S^d^ Month; That all those destin'd at y^e^ Forts & Garrisons on y^e^ Eastern Frontiers be continu'd untill further orders of this Court, and also that his Hon^r^ y^e^ Commander in Chief be desir'd to give orders for the Inlisting 150 able Body'd men, to range the Hunting Ground of the Indians between y^e^ Eastern Frontiers & Canada under proper

Officers for four weeks from the time of their Marching Who shall be Obliged to keep a Journall & return the same into the Secretary's office immediately after their return; that their Pay & Subsistance be the same as has been allow'd y^e^ s^d^ Scouting Companies the Summer past, & be provided with Snow Shoes for that End to be return'd when s^d^ Service is over; and also that they be allow'd & paid out of the publick Treasury one hundred pounds for Each Enemy Indian Scalp they shall Produce to the Govern^r^ & Councill & One hundred And ten Pounds for Each Indian Captive

That his Hon^r^ be desir'd to give Orders that the Thirty men destin'd as a Scout between Merimack & Connecticut Rivers, be dismiss'd the first of Nov^r^ next, and the Remainder on y^e^ Western Frontiers be continu'd till further Orders of this Court. [*Passed October 22.*[1]

## CHAPTER 220.

Legislative Records of the Council, xxi., 304.

VOTE DESIRING THE LIEU^T^ GOVERNOR TO APPOINT A DAY OF THANKSGIVING.

House Journal, p. 222. Book of Commissions and Proclamations, 1734–57, p. 310. Love's Fast and Thanksgiving Days of New England, p. 497.

*Voted* that his Honour the Lieuten^t^ Governour be desired with the Advice of his Majesty's Council to issue his Prolamation appointing a Day of public Thanksgiving to be observed thrô the Province for divine Mercies received in the Course of the Year pass'd.[2] [*Passed* October 23.*

## CHAPTER 221.

ORDER ALLOWING £225 FOR SUBSISTENCE TO THE MARCHING FORCES IN WORCESTER COUNTY.

Legislative Records of the Council, xxi., 305. Mass. Archives, lxxvi., 125.

Mass. Archives, cclxxxiii., 79. House Journal, p. 222. *Ante*, p. 443, chap. 282; p. 597, chap. 166.

*Ordered*, That there be paid out of the Public Treasury into the hands of the Committee of War the sum of two hundred and twenty five Pounds to be forwarded by them to John Chandler jun^r^ Esq^r^ to be by him paid to such of the three hundred Men draughted out of the Regiments in the County of Worcester to reinforce the Army Near Lake George, who shall Actually march in said service allowing to each Man ten days subsistence at the rate of one shill^g^ & six pence ℔ day, Or otherwise to be returned into the Treasury again. [*Passed October 23.*

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is October 23.

[2] The Thanksgiving was appointed for November 25, 1756, and was public.

# RESOLVES, ORDERS, VOTES, ETC.

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE SEVENTEENTH DAY OF NOVEMBER, A.D. 1756.

## CHAPTER 222.

RESOLVE IN REGARD TO Y^E^ DATE OF BONDS TAKEN OF THE FARMERS OF THE EXCISE FOR DUTIES ON CHINA WARE &c.

Legislative Records of the Council, xxi., 310. Mass. Archives, cxx., 133.

House Journal, pp 226, 227. Province Laws, iii., 989, chap. 12. *Ante*, p. 608, chap. 194.

WHEREAS by an Act of the Province made & passed in the last Session of the general Court, entituled, 'An Act for providing & Maintaining two Armed Vessels to guard the Coasts, & for supplying the Treasury with seven Thousand pounds for that End,' it is enacted, That the farmer of the Duties on China Ware, Tea & Coffee, shall give Bond with two sufficient Sureties to the Province Treasurer for the time being, & his Successors in said Office, in double the Sum of Money that shall be Contracted for, with Condition that the Sum agreed to be paid into the Province Treasury for the use of the Province, at the Expiration of one Year from the Date of Such Bond, & no time is therein appointed for such Date, & Many of the Commiss^rs^ for farming such Duties have formerly dated such Bonds at the Times of farming them; 'And Whereas it is reasonable to allow such farmers a short Time for the Collection of Such Duties,' it is therefore

*Resolved*, that the aforesaid Bonds be dated one month after the Commencement of said Act, And that the said Commiss^rs^ are hereby directed to take them accordingly. [*Passed November 18.*

## CHAPTER 223.

ORDER ACCEPTING REPORT OF COMMITTEE RELATING TO THE RECEPTION & ENTERTAINM^T^ OF THE EARL OF LOUDOUN.

Legislative Records of the Council, xxi., 310. Mass. Archives, cix., 386.

Legislative Records of the Council, xxi., 309 *bis*. House Journal, p. 228.

THE COMMITTEE appointed to take under Consideration that part of his Honour's Message relating to the Reception & Entertainment of his Excellency the Right Hon^ble^ the Earl of Loudoun, during his Residence here, humbly report it as their Opinion that the Gentlemen, Commissioners chosen to wait on his Lordship be directed upon their Arrival at Albany to inform themselves in some Way & Manner that they shall judge most decent & proper, what Retinue and Equipage his Lordship may probably bring with him; and as soon as may be to inform the Secretary of the same. And that there be a Committee appointed to provide a suitable House & Furniture for his Lordship's Reception, in Case it shall appear to be most agreable to his Lordship to reside in a seperate House. Or that the said Com-

[1] The words "An Act . . . for that End" and "And Whereas . . . Such Duties" are underlined in the original.

mittee be directed to make Provision for his Lordship's Reception, on [1] any other Way & Manner that shall appear to be more agreable to him. Which is humbly submitted,

ANDREW OLIVER per Order.

In Council Read & Accepted And

*Ordered* that Andrew Oliver Esq[r] with such as the Hon[ble] House shall appoint be a Committee for the Purposes above mentioned.

In the House of Rep[s]

Read and Concurred, and M[r] Speaker & M[r] Flucker are joined in the Affair. [*Passed November 18.*

## CHAPTER 224.

VOTE APPOINTING A COM[TEE] TO WRITE TO M[R] BOLLAN IN REGARD TO THE DISPOSITION OF HIS MAJESTY'S PRESENT OF FIRE ARMS.

WHEREAS M[r] Agent Bollan gave Information to this Government in his Letter to the Secretary dated Henrietta Street 24[th] May 1755. that his Majesty had caused 2,000 Stand of Arms to be sent to the Province: with which Arms the Troops that went from hence the last year to Nova Scotia were accoutered; and have never yet been received into the Province Stores.

Legislative Records of the Council, xxi., 311. Mass. Archives, lxxvi., 140.

*Voted.* That the Committee appointed to consider of a proper method for obtaining Cannon & Stores for the Province be directed to write to the Agent to obtain an authentic copy of the original order for sending said Arms to the Province; and to make application for a new order to replace them: and the said Committee are directed to furnish the Agent with any information they can obtain concerning the present disposition of the Arms aforesaid. [*Passed November 19.*

Legislative Records of the Council, xxi., 311. House Journal, p. 120 (August, 1755); pp. 227, 228, 229.

## CHAPTER 225.

VOTE EXCUSING THE ASSESSORS FROM ANY PENALTY FOR NOT FURNISHING LISTS OF VALUATION OF ESTATES.

WHEREAS the Assessors of the several Towns & Districts within this Province, that were chosen in the Year 1755, are obliged by Law to transmit on Oath, into the Secretary's Office, a true & perfect Copy of the List & Valuation of Estates, by which they made the [*Province Tax*] [2] in their particular Towns & Districts for the Year 1755, and also a true Copy of the Rate Bill of the Province Tax in the Year 1755 by the last day of December 1756, on Penalty that each Assessor neglecting his Duty therein, shall forfeit and pay the Sum of five pounds: And Whereas there is a Bill for the more equitable taking the valuation of the Estates in this Government now lying before the Court & is referred to the next Sitting of this Court: Therefore,

Legislative Records of the Council, xxi., 311.

Mass. Archives, ciii., 511. Legislative Records of the Council, xxi., 310. House Journal, p. 229. Province Laws, iii., 929, chap. 44.

*Voted* that the several Assessors aforesaid be excused from any Penalty, in not complying with their duty above mentioned, within the time limitted: And that they do not proceed in taking a list of Valuation until the Next sitting of this Court. [*Passed November 19.*

[1] *Sic.*

[2] Inserted from the House Journal, p. 229.

## CHAPTER 226.

Legislative Records of the Council, xxi., 312.

RESOLVE TRANSFERRING £1,000 FROM THE APPROPRIATION FOR GRANTS TO THE APPROPRIATION WHERE THERE IS NO ESTABLISHMENT.

Province Laws, iii., 980, chap. 3. House Journal, p. 230.

*Resolved*[1] that there be a Transfer of the Sum of One thousand pounds, from the Appropriation of Grants to the Appropriation where there is no Establishment and that the Treasurer conform himself accordingly. [*Passed November 19.*

## CHAPTER 227.

ORDER REFERRING ALL UNFINISHED MATTERS.

Legislative Records of the Council, xxi., 312.

*Ordered* that the several Matters which lay before the Court the last Sitting be revived, and that the Consideration of the same be referred, and have the same day at the next Sitting of the Court. [*Passed November 19.*

House Journal, p. 230.

## CHAPTER 228.

ORDER GRANTING TO EBENEZER ELLINGWOOD LICENCE TO KEEP AN INN.

Legislative Records of the Council, xxi., 312. Mass. Archives, cxi., 391.

A PETITION of Ebenezer Ellingwood of Beverly in the County of Essex setting forth that he is Owner of an House in said Town situated near the Ferry which has for many Years past been improved as a Tavern, that the present Tenant being about to move out of it, he proposes to remove into it himself; And praying that the Justices of the Court of General Sessions of the Peace for said County may be impowered to grant him a Licence to keep a Tavern there he having obtained the Approbation of the Select-men of said Town

House Journal, p. 230.

Read And

*Ordered*, That the Prayer of this Pet$^{n}$ be granted, & That y$^{e}$ Justices of s$^{d}$ Court of Sessions be & hereby are impowerd to license the Pet$^{r}$ Accordingly. [*Passed November 19.*

## CHAPTER 229.

Legislative Records of the Council, xxi., 312. Mass. Archives, lxxvi., 144.

VOTE SUBSTITUTING SAMUEL WELLES, ESQ$^{R}$, FOR COL. ROBERT HALE ON THE COMMISSIONERS TO GO TO ALBANY.

Legislative Records of the Council, xxi., 309. House Journal, pp. 228, 229, 230. *Ante*, p. 618, chap. 223.

THIS DAY being appointed for the Choice of a Commissioner to repair to Albany to wait on his Excellency the Right Honourable the Earl of Loudoun in the Room of Robert Hale Esq$^{r}$ who has declined that Service When The Hon$^{ble}$ Samuel Welles Esq$^{r}$ was Chosen by a Major Vote of the Council and Representatives. [*Passed November 19.*

[1] The House Journal, p. 230, reads, "*Ordered.*"

# RESOLVES, ORDERS, VOTES, ETC.

## Passed at the Session begun and held at Boston, on the Sixth Day of January, A.D. 1757.

## CHAPTER 230.

ORDER IMPOWERING DAN[L] SARGENT TO EXPORT CORN TO BARBADOES.

A petition of Daniel Sargent praying liberty to export two hundred and fifty bushells of Corn to Barbadoes upon giving Bond to land the same there.

Legislative Records of the Council, xxi., 318. Mass. Archives, lxv., 274.

Read and

*Ordered* that the Prayer of this Petition be granted and that the Petitioner be allowed to export the two hundred and fifty bushells of Corn abovementioned to the Island of Barbadoes he giving Bond in one thousand Pounds Sterling to Land the said Corn in the Island of Barbadoes aforesaid; And the Commiss[r] of Impost is hereby impowered and directed to take the said Bond which shall be Cancelled on the Petitioners producing a Certificate from the principal Officer of the Customs of the said Island that the said Corn was bona fide landed and disposed of there. [*Passed January 7.*

Mass. Archives, lxv., 274. House Journal, p. 236. Province Laws, iii., 1068, note. *Ante*, p. 270, chap. 261.

## CHAPTER 231.

ORDER IMPOWERING BENJ[A] & EDW[D] DAVIS TO EXPORT PROVISIONS TO ANTIGUA.

A Petition of Benjamin and Edward Davis praying leave to export Fifty barrells of Beef to the Island of Antigua they being ready to enter into Bonds for the delivery of them in said Port.

Legislative Records of the Council, xxi., 318. Mass. Archives, lxv., 281.

Read and

*Ordered* that the Prayer of this Petition be granted and that the Petitioners be and hereby are allowed to Transport the Beef abovementioned they giving Bond to the Commissioner of Impost in the Sum of One Thousand Pounds Sterling to Land the said Beef in the Island of Antigua aforesaid. And upon producing a Certificate from the principal Officer of the Customs of the said Island of Antigua that the said Beef has Bona fide been Landed & disposed of there, the said Bond to be Cancelled. [*Passed January 7.*

House Journal, p. 238. Province Laws, iii., 1068, note. *Ante*, p. 270, chap. 261.

## CHAPTER 232.

ORDER IMPOWERING THE ASSESSORS OF SOUTH PRECINCT IN DANVERS TO ISSUE WARRANTS FOR TAXES AND CONFIRMING THE PREVIOUS ACTS OF THE COLLECTORS THEREOF.

Legislative Records of the Council, xxi., 319. Mass. Archives, cxvii., 257.

House Journal, pp. 233, 237. Province Laws, iii., 1054, note.

A PETITION of Daniel Epes in behalf and by order of the Assessors in the South Parish in Danvers shewing that the Sum of two hundred Pounds hath been assessed on the Inhabitants of said Parish in the year's 1754. and 1755, but that the Warrants given to the Collectors to collect the same being supposed to be insufficient many of the Inhabitants refuse to pay their proportion of said Taxes and praying for Releif.

Read and

*Ordered*, That the Present Assessors of the South Precinct in the District of Danvers be and hereby are impowered and directed to issue New Warrants in due form of Law to the Collectors of Said precinct, to whom the Taxes were committed for the years 1754 & 1755, to compleat their said Collections, & pay in the same into the precinct Treasury; And that the said Collectors proceedings on their former Warrants are hereby Confirmed, any supposed defect in said Warrants notwithstanding. [*Passed January 7.*

## CHAPTER 233.

ORDER GRANTING TO HANNAH PECKER LICENCE TO KEEP AN INN.

Legislative Records of the Council, xxi., 321. Mass. Archives, cxl., 394.

House Journal, p. 237.

A PETITION of Hannah Pecker shewing that her late Husband John Pecker had a License to keep a public House in Haverhill but that he is now deceased, therefore praying that the Court of General Sessions of the Peace may be enabled to grant her a License for that purpose.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the peace for the County of Essex be, and hereby are, impowered to grant the Petitioner a Licence if they see fitt at their next term to keep an house of public Entertainment in the Town of Haverhill, she first Obtaining the Approbation of the Select Men of said Town, the Time for granting Licences being elapsed Notwithstanding. [*Passed January 8.*

## CHAPTER 234.

VOTE ACCEPTING REPORT OF COMMISSIONERS TO WAIT ON LORD LOUDOUN AT ALBANY.

Legislative Records of the Council, xxi., 323. Mass. Archives, l., 9.

Mass. Archives, l., 9.

THE REPORT of the Commissioners appointed by the Court to wait on the Right honourable the Earl of Loudoun at Albany.

Pursuant to Instructions received from his Honour we proceeded to Albany and after having made the compliments of the General Court to his Lordship we delivered him [1] copy of our Commission

[1] *Sic*, for "the," as in State Library copy, Legislative Records of the Council, xxi., 320.

and had repeated conferences with him upon the principal business we were instructed upon. and represented the inability of the province to answer the present demand of money for the pay of the Forces return'd from the expedition in as strong a light as it was in our power to do. House Journal, p. 241. *Ante*, p. 605, chap. 185; p. 620, chap. 229.

His Lordship treated Us with great goodness and at the same time with plainess & freedom, and was pleased to acquaint Us that being without any instruction upon this point, & the circumstances of the Regular Forces requiring what Money was then in the Treasury, it was not in his power to make any advance to Us, but his Lordship assured Us that he would recommend the case of the Province in his public letters, and he was pleased to give us his advice, as to the form of the Accounts & the method of application, and we are well assured that his Lordship is well disposed to promote the Interest of the Province. Having received this answer from his Lordship we return'd home without any delay. The Small pox being in Albany prevented Sir William Pepperell's going into the City.

Read & accepted. [*Passed January 8.*

## CHAPTER 235.

ORDER ALLOWING £6 AND AN ADDITIONAL 20/ ANNUALLY TO WILLIᴹ THORNE.

A PETITION of William Thorne shewing in the year 1748 he had the Misfortune to lose his Arm in his Majesty's Service at the Eastward for which he has received no allowance since the year 1750, And praying some further Allowance for the time past, and a pension for the future. Legislative Records of the Council, xxi., 324. Mass. Archives, lxxvi., 216.

Read and Mass. Archives, lxxvi., 215.

*Ordered*, that there be allowed & paid out of the public Treasury to the Petʳ the sum of Six pounds for his Sufferings mentioned for six Years past; and That he be also allowed the sum of twenty Shillings Annually, untill the further Order of this Court. [*Passed January 10.* House Journal, pp. 239, 241. Province Laws, xiv., 423, chap. 38.

## CHAPTER 236.

ORDER GRANTING TO BENJAMIN PROCTER LICENCE TO SELL STRONG DRINK.

A PETITION of Benjamin Procter praying that the Court of General Sessions of the Peace for the County of Suffolk may be empowered to grant him a License to retail strong Liquors in the Town of Boston in a House that has been heretofore licensed. Legislative Records of the Council, xxi., 325. Mass. Archives, cxx., 138.

Read and Mass. Archives, cxx., 137. House Journal, pp. 234, 239, 240.

*Ordered*, that the Prayer of this Petⁿ be so far granted, as that the Justices of the Court of General sessions of the peace for the County of Suffolk be and hereby are impowered at their next sessions to be held by Adjournmᵗ on Wednesday the 2ᵈ Febʸ Next, to gra[n]t the Petʳ a Licence (if they see fitt) to retail spirituous Liquors in the town of Boston, He first obtaining the Approbation of yᵉ Select Men of sᵈ Town, the time for granting Licences being elapsed notwithstanding. [*Passed January 10.*

## CHAPTER 237.

ORDER GRANTING TO BENJAMIN & JOHN WALDO LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xxi., 326. Mass. Archives, cxx., 140.

A PETITION of Benjamin & John Waldo of Boston Distillers shewing that they have purchased a Still House since the time allow'd by Law for granting Licenses, and praying that the Court of General Sessions of the Peace for the County of Suffolk may be empowered to grant them a License to retail Strong Liquors.

Mass. Archives, cxx., 139. House Journal, pp. 234, 239.

Read and

*Ordered*, That the Prayer of this Petition be granted; And that the Justices of the Court of general sessions of y^e^ peace for the County of Suffolk be and hereby are impowered at their next sessions to be held by Adjournm^t^ on Wednesday the 2^nd^ of Feb^y^ Next to grant y^e^ Pet^rs^ a Licence (if they see fitt) to retail spirituous Liquors at their said Distill house in Boston, they first Obtaining the Approbation of the select Men of said Town, the time for granting Licences being elapsed notwithstanding. [*Passed January 10.*

## CHAPTER 238.

VOTE DESIRING THE LIEU^T^ GOVERNOR TO DISMISS CERTAIN FORCES ON THE WEST^N^ FRONTIERS.

Legislative Records of the Council, xxi., 327. Mass. Archives, lxxvi., 224.

*Voted*, That His Hon^r^ the Lieu^t^ Gov^r^ & Comander in Chief, be desired to give Orders for dismissing fifteen Men of the Garrison now posted at Fort-Massachusetts; Eight of the Men posted at Fall-Town two Garrisons; fifteen of the Men posted at Colerain; the twenty Men Posted at Northfield & Greenfield; the sixteen men posted at Pontoosuck; the Sixteen Men posted at Stockbridge; And twelve of the Men posted at the two Garrisons at Charlemont:

House Journal, pp. 242, 243. *Ante*, p. 472, chap. 364.

Also that his Honour would be pleased to Continue in the service one Lieut^t^ at Fort Massachusetts to have y^e^ Command of the two Garrisons there; And one Lieut^t^ to have the Command of the Men at Colerain, Fall-town, & Charlemont, & no more;

And that he be further desired to dismiss the Armourer on on[1] the Western frontiers, from the service; during the Winter Season. [*Passed January 11.*

## CHAPTER 239.

ORDER GRANTING ANDREW M^C^KENZIE RE-TRIAL OF AN ACTION.

Legislative Records of the Council, xxi., 239. Mass. Archives, xliv., 304.

A PETITION of Andrew M^c^Kenzy of New London in the Colony of Connecticut Merch^t^ shewing that he was sued by Gamaliel Smethers at the Inferiour Court of Common Pleas for the County of Suffolk here in July 1755, and the Action continued to the next Term, when being out of the Province he was defaulted & Judgment went against him, for £160 Sterl, & Costs, without his knowing the Suit had been brought against him; And at the same time

Mass. Archives, xliv., 301. Legislative Records of the

[1] *Sic.*

another Suit on the same Cause of Action was brought against him in the Government of Connecticut & Judgment recovered thereon; w^ch^ two Judgments he must be held to answer unless releived by this Court, & praying that said Default may be taken off, & he allowed to plead, & the Justices of the Inferiour Court to be held in Boston in October next may be impowered to proceed to the Tryal of said Action, & the Superiour Court may be directed not to make up Judgment upon any Complaint that may be entered against him for not prosecuting his Appeal. Council, xxi., 327. House Journal, pp. 114, 152, 222, 248.

Read & thereupon

*Ordered* that the default afores^d^ be taken off; that the Justices of the Inferiour Court of common Pleas in & for the County of Suffolk be directed & impowred at their next term, to hear try & determine the same action, give judgment & award execution in the same manner as if it had now originated & no default had been made thereon & that the Complaint referred to in the Petition of the s^d^ Andrew be dismissed, the s^d^ Andrew [1] Mackensie paying the s^d^ Gamaliel or his attorney the legal costs thereof & seasonably notifying the s^d^ Gamaliel of this order. [*Passed January 11.*

## CHAPTER 240.

ORDER GRANTING WILLIAM BLODGET AND OTHERS THE USE OF AN ISLAND IN MERRIMAC RIVER.

A PETITION of William Blodget and divers others Inhabitants of Chelmsford praying for a Grant of a certain Island in Merrimack River containing three eight parts of an Acre for the priviledge and conveniency of Fishing, they conforming to the Laws of this Province relating to the catching of Fish in Merrimack River. Legislative Records of the Council, xxi., 328. Mass. Archives, cxvii., 211.

Read and

*Ordered*, That the Prayer of this Petition be so far granted as that the Petitioners be and hereby are allowed the use & Improvement of the Island Mentioned for the catching of fish or otherwise as they shall see fitt during the pleasure of this Court. [*Passed January 11.* Mass. Archives, cxvii., 210. House Journal, pp. 188, 189, 191, 246. Province Laws, iii., 810, chap. 31.

## CHAPTER 241.

ORDER IMPOWERING ABIGAIL BROWN, GUARDIAN, TO SELL AN INTEREST IN AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Abigail Brown of Salem Guardian of Mary Brown & Lydia Brown, Minors, shewing that the said Minors are interested one quarter part in an old House & small peice of Land thereto belonging of the Value of about forty eight pounds, that the said House is so out of Repair as to require near the value of it to be laid out in order to make it tenantable therefore praying liberty to sell the said Minors share for their benefit. Legislative Records of the Council, xxi., 328. Mass. Archives, xix., 478.

Read and

*Ordered* That the Prayer of this Petition be granted; And That y^e^ Pet^r^ be, and she hereby is impowered in her said Capacity of Mass. Archives, xix., 477. House Journal, pp 234, 245. Province Laws, ii., 151, chap. 10.

[1] The House Journal, p. 248, reads, "*James.*"

Guardian to make & execute a good and Sufficient Deed of Sale in the Law of the Interest in the House and Land belonging to the Two Minors mentioned, for the most the same will fetch; she observing the directions of the Law relating to the sale of real Estates by Executors & Administrators, And giving sufficient Caution to the Judge of probate for the County of Essex that the produce thereof, together with the Interest Arising thereon be paid to the said two Minors, as they Shall respectively Arrive at Lawfull Age. [*Passed January 11.*

## CHAPTER 242.

ORDER APPOINTING A COMMITTEE TO WAIT ON THE EARL OF LOUDOUN WITH THE COMPLIMENTS OF THE GOVERNMENT.

Legislative Records of the Council, xxi., 331. Mass. Archives, l., 10.

House Journal, pp. 250, 251. *Ante*, p. 622, chap. 234. *Infra*, chap. 243.

In Council

*Ordered* That S^r^ W^m^ Pepperrell John Osborne Jacob Wendell John Cushing Benjamin Lynde Samuel Danforth Samuel Watts Andrew Oliver Thomas Hutchinson Stephen Sewall Isaac Royal John Erwing [1] & William Brattle Esq^rs^ with such as the honourable House shall appoint be a Committee to wait on the Right honourable the Earl of Loudoun upon his first Arrival in the Town of Boston & to make the Compliments of the Government to his Lordship upon that occasion.

In the House of Rep^r^

Read and Concurred; & M^r^ Speaker, Col^o^ Otis, Judge Russell, M^r^ Welles, M^r^ Lyman, Col^o^ Cotton, M^r^ Flucker, Col^o^ Miller, M^r^ Gridley, Col^o^ Lawrence, M^r^ Gibbs of Salem, Col^o^ Hale, Col^o^ Quincy, M^r^ Pierce, M^r^ Tasker, & Tho^s^ Foster Esq^r^ are joined in the Affair. [*Passed January 11.*

## CHAPTER 243.

VOTE APPOINTING A COMMITTEE TO WAIT ON THE EARL OF LOUDOUN TO ASK THE HONOUR OF HIS COMPANY AT DINNER.

Legislative Records of the Council, xxi., 331. Mass. Archives, l., 11.

House Journal, p. 251. *Supra*, chap. 242.

*Voted* that the Comittee appointed to wait on the R^t^ Hor^le^ the Earl of Loudoun upon his first arrival, take a suitable opportunity to ask his Lordship to do the Government the Honour of dining with the Lieutenant Governor & the said Committee of the General Court at a publick Entertainment which the Committee are to cause to be Provided accordingly. [*Passed January 11.*

## CHAPTER 244.

ORDER IMPOWERING THE LATE ASSESSORS OF CARLISLE TO SETTLE ALL ACCOUNTS AND ASSESS AND COLLECT A TAX THEREFOR, UPON THE INHABITANTS THEREOF.

Legislative Records of the Council, xxi.,

A PETITION of Benjamin Brown and William Fletcher late Selectmen and Assessors of the District of Carlisle, shewing that the late

[1] *Sic.*

District of Concord [1] are considerably in debt and have no Power to raise money to pay the debts that have arisen or may arise in settling Accounts: and praying that the late Assessors may be impowered to assess the Inhabitants of the said late District and the Constables to collect and pay in the same to the late District Treasurer in order to discharge said debts.

332. Mass. Archives, cxvii., 240.

House Journal, pp. 236, 243. Province Laws, iii., 107, chap. 11; 679, chap. 6; 729, chap. 36; v., 1355, note. *Ante*, p. 599, chap. 170.

*Ordered* that the prayer of the petition be Granted And that the Assessors last Chosen in said Carlisle whilst it Continued a District be and they hereby are fully Authorized Impowred and directed to receive Examine and Settle the Several Accounts of all and every person and persons who had and now have any just demands on said Carlisle and to lay a Tax upon and Assess the the [2] poles & Estates of the Inhabitants of said District according to the List of the Valuation of their Estates by which their Last province tax was made for the Respective sums that shall be found due and to Issue their Warrant or Warrants directed to the last Constables Chosen of said district to Colect and gather the same in like manner as they were enabled to do before the said District was Annexed to the Town of Concord And the Constables last Chosen by said District are hereby directed and Impowred immediately after their receiving their Warrants to Collect and gather such sum and sums of the said Inhabitants as shall be Contained in the Warrant or Warrants to them respectively directed under the same penaltys as by Law is provided to be recovered of defective Constables and Collectors. and to finish their former Collections and pay the whole to the late Treasurer of the said District who is hereby Impowred to demand recover and receive the same of the said Constables and to pay of[f] the several demands that shall be Allowed by the said Assessors in as full and ample manner as he would have been had the said Carlisle remained a District. [*Passed January 11.*

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## CHAPTER 245.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, ETC., FOR THE COUNTY OF PLYMOUTH AND ALLOWING 57/5 FOR THE EXPENSE THEREOF.

THE REPORT of the Committee for letting out to Farm the duties of Excise on Tea, Coffee, & China Ware in the County of Plymouth with their accompt of expence being £2.17.5.

Legislative Records of the Council, xxi., 333. Mass. Archives, cxx., 141.

Read and

*Ordered*, That this report be Accepted; & That there be allowed and paid out of the public Treasury to y^e^ said Committee the sum of fifty seven Shill^s^ & five pence in discharge of their Acc^o^ exhibited. [*Passed January 11.*

House Journal, pp. 247, 248. *Ante*, p. 613, chap. 208.

[1] *Sic*, it seems, for "*Carlisle.*" See House Journal, p. 236.
[2] *Sic.*

## CHAPTER 246.

ORDER APPOINTING A COMMITTEE ON THE PETITION OF THE INHABITANTS OF WEST HOOSUCK IN REGARD TO FORT MASSACHUSETTS AND A BLOCK-HOUSE THERE; ALSO VOTED THAT THE GARRISON AT THE BLOCK-HOUSE HAVE LIBERTY TO BILLET THEMSELVES AT THE PROVINCE CHARGE.

Legislative Records of the Council, xxi., 333. Mass. Archives, cxvii., 264.

Mass. Archives, lxxvii., 404; cxvii., 263. House Journal, pp. 239, 249. *Ante*, p. 472, chap. 364.

A PETITION of a Number of the Inhabitants of West Hoosuck shewing that they have built a sufficient Blockhouse there agreeable to the orders of the Government, that they are allow'd but ten men and are oblidg'd to go to Fort Massachusetts for their subsistence, and praying that they may be allowed twenty more men and liberty to subsist themselves for the same consideration as is allowed to the Commissary, it being very inconvenient for them to travell so far to fetch the Governments Allowance, besides which, they receive but a scanty allowance, and are greivously oppressed by the Commanding Officer.

In the House of Repˢ

Read and

*Ordered*, That Mr Lyman & Capt Richardson with such as the honl Board shall join be a Committee to Consider this Petition to repair to Hoosuck to examine ye State of ye Forts there, And Consider whether it be most expedient to repair Fort-Massachusetts & to keep a Garrison there & at the Block house, or to build a-new elsewhere & That the said Comtee enquire into the Facts alledged in the Petition, & hear the Parties & yt yy be & are hereby impowered to take Evidences relative thereto, On Oath And report.

Also

*Voted*, That the Ten Men Stationed at West Hoosuck as within Mentioned be allowed to Billet them selves at ye Charge of the Province Untill the further order of this Court provided they do not charge more than five shillings & four pence ℔ Week for each Man.

In Council

Read & concur'd & Joseph Halley Esqr is joined in the affair. [*Passed January 11.*

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## CHAPTER 247.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 334. Mass. Archives, lxxvi., 227.

House Journal, p. 250.

*Ordered*, That there be Allowed and paid out of ye Public Treasury to Capt Joshua Hutchins for the use of Thoˢ Wright forty eight Shillings; To Capt Jonathan Whitney for the use of Benjamin Barnard eleven Shillings and eight pence; to Capt James Barret for the use of Samuel Eastabrooke forty Nine Shillings; to Mr Jacob Porter for the use of Job Tirrel thirty two Shillings; and to Joseph Gerrish Esqr for the use of Benjamin Coker fifty Shillˢ in full Consideration of the Expences in their Petitions severally mentioned. [*Passed January 12.*

## CHAPTER 248.

ORDER DESIRING THE LIEUT. GOVERNOUR TO DIRECT THAT A CANNON, ARMS AND AMMUNITION BE FURNISHED PROVINCE TOWN.

A PETITION of the military Officers and Selectmen of Province Town representing their poor and exposed circumstances & the great danger there is of the Inhabitants removing thence, without some assistance from the Government; which would be of great damage to the Public, inasmuch as there is a commodious Harbour belonging to said Town to receive Vessells which may be oblig'd to put in by stress of Weather, the Navigators whereof, as well as people who are often Unfortunately cast ashore on the back of Cape Cod, may greatly suffer in case of the Removal of the Inhabitants. Therefore praying that they may be allowed some Cannon, Arms and Ammunition for their defence against an Enemy that may put into said Harbour; and that the Inhabitants of Truro may be ordered to assist them in watching and warding.

Legislative Records of the Council, xxi., 334. Mass. Archives, cxvii., 245.

Mass. Archives, cxvii., 243. House Journal, pp. 247, 255.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as that y^e^ Inhabitants of Said Town be allowed one Cannon of four pound Shot, and twenty five small Arms with powder & ball suitable therefor & that the Military Company in Truro be ordered to Assist y^e^ Town of province Town in such Divisions as they Shall be ordered from time to time to watch and ward; And That his Hon^r^ y^e^ Lieu^t^ Governor be desired to give Orders for Said Cannon, Arms And Ammunition, and that he direct Col^o^ Winslow the Col^o^ of said Regiment to pursue directions, relating to Truro & Province Town as his Honour shall think fitt, The s^d^ Cannon Arms &c to be returned to y^e^ province when the war is ended. [*Passed January 12.*

## CHAPTER 249.

ORDER WITH NOTICE REFERRING THE PETITION OF THE INHABITANTS OF CHARLTON AND THE GORE TO BE UNITED INTO ONE DISTRICT.

THE PETITION of a Number of Inhabitants of the District of Charlton & a place called the Gore praying as entred [*ante*, p. 516, chap. 468] together with the order of Court of the 8^th^ of June 1756 [*ante*, p. 544, chap. 36].

Legislative Records of the Council, xxi., 336. Mass. Archives, cxvii., 79.

Mass. Archives, cxvii., 77. House Journal, pp. 53, 257. *Ante*, p. 516, chap. 468; p. 544, chap. 36.

Read and in as much as it appears to this Court that it was by accident that the order of Court of y^e^ 8^th^ June last was not complyed with Therefore

*Ordered* that the Consideration of this Petition be further Referred to the Second Wednesday of the Next May Sessions and that the Petitioners Serve the Non-Resident proprietors of Charlton & the Gore with this Petition by Inserting the Substance thereof in One of the Publick prints three Weeks Successively that So they may Shew cause if any they have why the prayer thereof Should not be granted, and in y^e^ mean time it is Recomened they[1] the partys, endeavour to Accomade y^e^ affair among themselves. [*Passed January 12.*

[1] *Sic*, for "that." See Legislative Records of the Council, xxi., 336.

## CHAPTER 250.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 336. Mass. Archives, lxxvi., 228.

Mass. Archives, lxxv., 274, 275, 429, 457, 552, 590, 591, 672, 699; lxxvi., 1, 30, 31, 32, 117, 152, 182, 183, 199, 200. House Journal, pp. 238, 239.

*Ordered*, That there be allowed and paid out of the public Treasury to Cap$^{t}$ Joshua Hutchins for the use of Timothy Bancroft thirty Six Shillings, for the use of Thomas Wetherbee thirty two shill$^{s}$ & six pence &, for the use of Samuel Poole thirty six Shill$^{s}$ & four pence; To M$^{r}$ Josiah Pierce for the use of Jonathan Moodey twenty five Shill$^{s}$ & four pence, and for the use of Robert King Six pounds; to Cap$^{t}$ Jabez Upham for the use of Joseph Foster fifty six Shillings, & for the use of Uriah Gilbert three Pounds sixteen Shill$^{s}$ & a peny; To Eldad Taylor Esq$^{r}$ for the use of Eldad Palmer thirty one shill$^{s}$ & eleven pence; To Cap$^{t}$ Ithamar Hubbell for the use of William Drake thirty four Shillings; To William Richardson Esq$^{r}$ for the use of Joseph Wooley three pounds; to Josiah Johnson Esq$^{r}$ for the use of James Tomson three pounds seven Shillings & five pence; To M$^{r}$ Samuel King for the use of Adonijah Russell jun$^{r}$ three pounds; to Cap$^{t}$ John Brown for the use of John Crowle Eighteen Shillings & ten pence; And to M$^{r}$ Eliphalet Whiting, for the use of Robert Cooke Six Shillings, being in full Consideration of the Expences mentioned in their respective Petitions. [*Passed January 12.*

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## CHAPTER 251.

ORDER ALLOWING £17. 16. 8 TO JEDUTHUN BALDWIN.

Legislative Records of the Council, xxi., 338. Mass. Archives, lxxvi., 193.

Mass. Archives, lxxvi., 192–197. House Journal, pp, 250, 253.

A PETITION of Jeduthun Baldwin; shewing that He in the year 1755 being then a Captain in the Crown Point Expedition tarried over the Winter at Fort William Henry, & by order of the Commanding Officer there took the care & oversight of the Carpenters, Coopers, & other Workmen the greatest part of the time from January to may last during which time he dealt out of his own Stores both to them & to the Sick many articles for their comfort, & refreshment, the Commissary being destitute of them. And praying an allowance for his said service and Expence.

Read and

*Ordered*, That there be allowed And paid out of the public Treasury to the Pet$^{r}$ the Sum of Seventeen Pounds sixteen Shillings and eight pence, in full discharge of the Acc$^{o}$ exhibited. [*Passed January 12.*

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## CHAPTER 252.

ORDER REMITTING FINES TO JONATHAN SHEPLE.

Legislative Records of the Council, xxi., 338. Mass. Archives, xiv., 2.

A PETITION of Jonathan Sheple of Groton, Husbandman. shewing that about four years ago he was in a melancholy frame of mind, during which he lost his Wife, which added to his distress, in which unfortunate situation he neglected attending upon public worship,

as he had usually done both before & since. That he had been presented by the Grand Jury four times for his said neglect & that he had four Warrants serv'd on him, and recogniz'd in the Sum of three pounds on each warrant. but neglecting to appear or make any defence; Judgment was entred against him for the Forfeiture & Costs amounting to upwards of Twenty four pounds, which he accordingly paid to the Clerk, and praying that his said Fines may be remitted.

Mass. Archives, xiv., 1. House Journal, pp. 241, 248.

Read and

*Ordered*, that the Prayer of this Petition be granted; And that the several fines mentioned therein be remitted to y^e^ Pet^r^ And that the Clerk of the Court of Gen^l^ Sessions of y^e^ peace for y^e^ County of Middlesex be and he hereby is directed to pay the same accordingly. [*Passed January 12.*

## CHAPTER 253.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, ETC., FOR THE COUNTY OF MIDDLESEX AND ALLOWING 42/6 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 339. Mass. Archives, cxx., 143.

The Report of the Committee for letting out to farm the duties of Excise upon Tea, Coffee & China Ware in the County of Middlesex with their account of Expence amo^t^ to £3.9.6.

House Journal, pp. 256, 257. Province Laws, iii., 1063, note. *Ante*, p. 612, chap. 205.

Read and Accepted, and

*Ordered*, That there be allowed and paid out of the public Treasury to the said Committee the sum of forty two shillings & six in full discharge of their Acco^t^ of Time & Expences exhibited. [*Passed January 13.*

## CHAPTER 254.

ORDER ALLOWING £5. 0. 8 TO THE HEIRS OF JONATHAN HIDDEN.

A Petition of Ebenezer Hidden, Administrator to his Brother Jonathan Hidden, shewing that his said Brother was an Ensign in Capt^n^ Joseph Ingersols Company at Fort William Henry, where he dyed, & after his Death his Gun & Cloathing were sold for Five Pounds eight shillings, which money was received by said Capt^n^ Ingersol, & as the said Capt^n^ is in his Majesty's Service, he cannot come at the money without the Aid of this Court.

Legislative Records of the Council, xxi., 339.

House Journal, pp. 244, 253.

Therefore praying that they would give orders that the said Sum may be stop't out of Capt^n^ Ingersol's Wages and paid to the Petitioner.

Read &

*Ordered* that the prayer of this Petition be granted so far as that the Province Treasurer be, & he hereby is allow'd to pay out of the Wages of Capt^n^ Joseph Ingersol when the Muster Rolls shall be made up, five Pounds and eight Pence to the said Ebenezer Hidden for the use of the Heirs of the said Jonathan. [*Passed January 13.*

## CHAPTER 255.

ORDER GRANTING 200 ACRES OF LAND TO DANIEL GRAINGER.

Legislative Records of the Council, xxi., 340. Mass. Archives, lxxv., 555.

Mass. Archives, lxxv., 554. House Journal, p. 252.

A PETITION of Daniel Grainger, shewing that he was a Soldier in the Crown Point Expedition A D 1755 & had the misfortune to lose one hand by a Shot in the engagement near Lake George on the 8th of Septr that year that he is by trade a Carpenter, and by said misfortune is rendred uncapable of getting a livelihood by the exercise of his proper business, & having several Sons who by their Labour might be able to provide for his Support as well as their own, if he had any land for them to bestow their Labour upon, but having none he prays for a Grant of some of the unappropriated Lands of the Province.

Read and

*Ordered*, That, In Consideration of the Petitioner's great Sufferings & loss of time by reason of his Wounds mentioned; there be granted to him in some of ye unappropriated Lands within this Province in the County of Hampshire two hundred Acres, to be laid out by a Skilfull Surveyor & Chain-Men on Oath in a regular Form, & return a Platt thereof to this Court within twelve months for Confirmation; the said two hundd Acres to be & remain to the Said Danl Grainger his Heirs & Assigns forever: Provided he the said Danl his Heirs or Assigns fulfill & comply with the Conditions hereafter Mentioned; Vizt That within three years next after the present War shall be over he or they build two good Dwelling Houses & Inhabit ye same, the said Houses to be not less than sixteen feet square Rooms, and not less than seven feet between joints; & fence in not less than ten Acres of Land, & break ye same up, or stock So much wth English Grass. [*Passed January 13.*

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## CHAPTER 256.

ORDER ALLOWING £7. 4 TO JOHN ASHLEY & OTHERS.

Legislative Records of the Council, xxi., 340.

Legislative Records of the Council, xx., 502. House Journal, pp. 244, 259.

A PETITION of John Ashley Esqr Nathanael Austin & Luke Noble, shewing that by order of the General Court of 25 of June 1755 they made a Journey of 300 Miles out & home from Sheffeild to Boston to attend said Court & give information respecting a Fraud suggested to have been committed by DAVID INGERSOL. and praying an Allowance for the same.

Read &

*Ordered* That the Prayer of this Petition be so far granted as that there be allow'd & paid out of the public Treasury to the Petitioners the sum of seven pounds four shillings in consideration of their time & expences mentioned. [*Passed January 13.*

## CHAPTER 257.

ORDER CONFIRMING ACTS OF ASSESSORS OF SHREWSBURY 2D PRECT.

A Petition of Cyprian Keys & Amariah Biglo in behalf of the Inhabitants of the Second Precinct in Shrewsbury shewing that the Oath respecting the money of the other Governments was not administred to the officers of the said Precinct at their March Meeting in 1752 by which means the Assessments made that year are illegal. And praying that the said Assessments may be established such omission notwithstanding.

Legislative Records of the Council, xxi., 341. Mass. Archives, cv., 552.

House Journal, pp. 254, 255, 259. Province Laws, iii., 436, chap. 15.

Read and

*Ordered* That the Prayer of this Petition be so far granted, as That, the Assessment made by the Assessors of said Precinct in the year 1752, be deemed good & valid in Law to all intents & purposes they having neglected taking ye oath respecting Bills of Credit of ye Neighbouring Governmts notwithstanding, and that ye sd Collector be and hereby is fully impowered & directed to Collect ye Taxes mentioned & pay ye same into the sd Precinct Treasury. [*Passed January 13.*

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## CHAPTER 258.

ORDER ALLOWING 16/6 TO ISAAC TEMPLE & CYPRIAN KEYS, EXECUTORS.

A Petition of Isaac Temple and Cyprian Keys, Executors of Henry Key of Shrewsbury deceased. Shewing that the said Henry was a Soldier in the Crown Point Expedition in the year 1755 & being dismissed before the Government had made Provision for subsisting the Forces upon their return, the sd Henry expended sixteen shillings & six pence of his own money and praying a Reimbursement.

Legislative Records of the Council, xxi., 341. Mass. Archives, lxxvi., 178.

Mass. Archives, lxxvi., 177. House Journal, pp. 254, 259.

Read and

*Ordered* That the Prayer of this Petition be granted; and That there be allowed and paid out of ye Public Treasury to the Petr the Sum of Sixteen shillings & six pence in Consideration of ye Expences mentioned in the Petition. [*Passed January 13.*

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## CHAPTER 259.

ORDER DIRECTING THE PARTITION OF AN ESTATE AND IMPOWERING HANNAH GODDARD, ADMX, TO EXECUTE DEEDS THEREFOR AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Hannah Goddard Administratrix of Gyles Goddard late of Roxbury deceased, shewing that at the Superior Court held at Boston on the third Tuesday of August last she recovered against Gyles Goddard Son of the Deceased, Possession of three fourths parts of the deceaseds Real Estate in Roxbury, which Estate now lyes in common vizt three fourths thereof to the said Hannah as Administratrix & the other fourth to the said Gyles the Son & praying that the Judge of Probate for the County of Suffolk may

Legislative Records of the Council, xxi., 342.

House Journal, pp. 247, 259, 260. Province Laws, ii., 151, chap. 10.

be impowered to order Partition thereof, & the Petitioner as administratrix may be impowered to sell the share which maybe sett off to her for payment of the debts of the Intestate.

Read and

*Ordered* That the prayer of this Petition be granted, & that the Judge of Probate for the County of Suffolk be, & he hereby is impowered to appoint some suitable persons to make a partition of the Real Estate of Gyles Goddard late of Roxbury deceased intestate containing about eleven Acres lying & being in the Town of Roxbury in manner following viz$^{t}$ one fourth of the Estate to Gyles the Son, & three fourths to the Petitioner Hannah as Administratrix who is hereby impowered to make sale of the said three-fourths, & to execute a good & sufficient deed or deeds in Law for conveyance of the same, for the payment of her late Husbands debts, she observing the directions of the Law relating to the sale of Real Estates by Executors & Administrators &, giving sufficient caution to the Judge of Probates for the County of Suffolk to be accountable to the Heirs of the said Intestate for the Overplus arising by such sale if any there be. [*Passed January 13.*

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## CHAPTER 260.

ORDER IMPOWERING THOMAS CUSHING TO SELL HIS CHILDRENS RIGHT IN LANDS AND EXECUTE DEEDS THEREFOR.

Legislative Records of the Council, xxi., 343. Mass. Archives, xix., 474.

Mass. Archives, xix., 473. House Journal, pp. 235, 260, 261.

A PETITION of Thomas Cushing of Boston Merchant, shewing that his Father Thomas Cushing Esq$^{r}$ deceased by his last Will; devised his Lands two thirds to him the said Thomas, and one third to his other Son Edward since deceased. That the said Edward devised his third part of said Lands three quarter parts to his Sister Mary Cushing, and one quarter part to the Petitioners two daughters Mary & Margaret both Minors. That the Petitioner and his Sister Mary are desirous of selling their several proportions, and as it would be inconvenient to set off the Minors small share in the whole, & the Lands lie unimproved & are suffering Wast, He prays liberty to sell the share belonging to the said Minors, he giving Bond to Account.

Read and

*Ordered*, That the Prayer of this Pet$^{n}$ be granted; And That the Pet$^{r}$ be, and he hereby is impowered to sell his said Childrens right in all or any of the Lands therein mentioned, And to make and execute in Due form of Law a Deed or Deeds of Conveyance thereof to such person or persons who shall be willing to purchase the same, he giving Bond with sufficient Surety to the Judge of Probate for y$^{e}$ County of Suffolk to account with the said Children at their severally arriving at lawfull age for their proportion of y$^{e}$ proceeds of such Sale. [*Passed January 14.*

## CHAPTER 261.

ORDER DIRECTING THE PROVINCE TREASURER TO DELIVER BONDS TO STEPHEN ADAMS AND PETER HAY.

*Ordered* That Mr Treasurer Gray be and hereby is directed to deliver up two bonds of two hundred pounds lawful money each now in his Office, under the hands & seals of Stephen Adams and Peter Hay, to the said Stephen and Peter, each of them in the first place paying or giving said Treasurer a Bond with sufficient Sureties for their severally paying him the sum of One hundred Pounds Sterling in six months for the use of this Province. [*Passed January 14.*

Legislative Records of the Council, xxi., 343.

House Journal, pp. 259, 260.

## CHAPTER 262.

ORDER IMPOWERING EZRA CONANT, GUARDIAN, TO SELL LANDS AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Ezra Conant Guardian to Josiah Putney a Minor, shewing that Joseph Putney, Father of the said Josiah by his last Will devised his Real Estate to his three Sons, charged however with an Annuity to his Widow and certain Legacies to his daughters. therefore praying for Liberty to make Sale of three small peices of Land in Dudley (not capable of making a Living) and with the proceeds thereof to pay off the Legacies and annuity aforesaid. [Read &]

*Ordered* That the Prayer of this Petition be Granted and that ye said Ezra Conant be & he hereby is Impowered in his Said Capacity of Guardian to make & Execute a Good Deed or Deeds of sale in the Law of the Said Minors Interest in the Lands mentioned Lying in the Town of Dudley to such person or persons as shall be willing to give the most for the Same; He Observing the Directions of the Law Relating to ye Sale of Reall Estates by Executors & Admrs And Giving Sufficient Caution to the Judge of Probates for the County of Worcester that the Produce thereof, together with the Interest Arising thereon, shall be truely Applyed for the payment of said Minors part of the Lagacies ordered to be paid by the Last Will & Testament of his father Joseph Putney Deceased & the Annuity to his Mother, and pay the Overplus If any there be to the sd Minor when he Comes of Age or to his Legall Representative. [*Passed January 14.*

Legislative Records of the Council, xxi., 344. Mass. Archives, xix., 484.

Mass. Archives, xix., 482. House Journal, pp. 252, 253, 261. Province Laws, ii., 151, chap. 10.

## CHAPTER 263.

ORDER IMPOWERING JOHN GOODSOE, ADMR, TO EXECUTE A DEED.

A PETITION of John Goodsoe of Kittery, Administrator of the Estate of John Shepherd of said Kittery deceased intestate Shewing that the said Intestate in his life time bargain'd with Mr Ichabod Goodwin of Berwick for a Lot of Land in Kittery, & received several Sums in part of pay, & by his Receipt promised to make a good deed of the same, but soon after dyed before the said deed was

Legislative Records of the Council, xxi., 345. Mass. Archives, xix., 461.

Mass. Archives, xix., 460. House

Journal, pp. 257, 262.

made therefore praying that he the said Administrator may be authorized and impowered to perfect the aforesaid Bargain.

Read and

*Ordered*, That the Prayer of this Petition be granted; And that y^e^ said John Godsoe in his said Capacity of Admin^r^ be & hereby is authorized & impowered to make & execute a good & Suffic^t^ Deed of y^e^ Land Mentioned to y^e^ s^d^ Ichabod Goodwin his Heirs & Assigns he y^e^ said Goodwin paying the Remainder of the sum yet due to compleat the whole of the Sum agreed for by the said Shepheard and Goodwin, for his the said Shepheard's right in the Lott of Land mentioned; the Said John Godsoe giving Sufficient Caution to the Judge of Probate for the County of York to be Accountable for the money He shall so receive. [*Passed January 15.*

## CHAPTER 264.

ORDER ALLOWING £2. 6. 10 TO JONATHAN GREEN.

Legislative Records of the Council, xxi., 345. Mass. Archives, lxxvi., 234.

House Journal, pp. 261, 262, 263.

In the House of Rep^s^

It appearing to this House that there was a Mistake made in the Muster Roll of Cap^t^ Eliphalet Failes in the wages of one Jonathan Green a Corporal in His Company of forty five days wages omitted;

*Ordered*, that there be allowed & paid out of the Public Treasury to William Lawrence Esq^r^ for y^e^ use of the s^d^ Jon^a^ Green the Sum of two Pounds Six shill^s^ & ten pence, in full Consideration thereof.

In Council, Read & Concur'd. [*Passed January 15.*

## CHAPTER 265.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK TO ACCEPT A BOND FROM SAMUEL WINTHROP, EXECUTOR, IN LIEU OF AN INVENTORY.

Legislative Records of the Council, xxi., 347. Mass. Archives, xix., 472.

Mass. Archives, xix., 470. House Journal, pp. 256, 265. Province Laws, ii., 977, chap. 23.

A PETITION of Samuel Winthrop of Boston, shewing that he & his Sister Lucy Winthrop are the Residuary Legatees of the last Will and Testament of M^rs^ Lucy Dudley late of Roxbury deceased, & that the Petitioner is sole Executor thereof: that his Testator had always manifested an unwillingness to have her wearing Apparel, Household Stuff, and other Effects inventoried; & apprehended that she had provided against it: but inasmuch as the Law has made Provision for the Security of any residuary Legatee that is not Executor that an Inventory shall in all such cases be exhibited, and no bond accepted in leiu thereof, he cannot avoid rendring an Inventory without the Aid of this Court, although his Sister the other Residuary Legatee is very desirous, that no Inventory may be exhibited therefore praying that the Judge of Probate may be allowed to accept of the Petitioners Bond, or that he may be otherwise releived.

Read and

*Ordered*, that the Prayer of this Petition be so far granted as that the Judge of Probate &c for the County of Suffolk be and he hereby is allowed and directed to take Bonds of y^e^ Pet^r^ with

sufficient Sureties for the Payment of the Debts & Legacies of the deceased instead of taking an Inventory of said Estate. [*Passed January 15*

## CHAPTER 266.

ORDER ALLOWING SUBSISTENCE TO JOSEPH FAIRBANKS AND OTHERS.

A Petition of John Fairbanks & twenty four others Soldiers in the Crown Point Expedition A D 1755 Shewing that they Subsisted themselves from the 5th to the 19th day of June after being mustered, and having repaired to the place of Rendesvous & praying that they may have an Alowance therefor out of the Province Treasury.

Legislative Records of the Council, xxi., 348. Mass. Archives, lxxvi., 133.

House Journal, pp. 255, 267.

Read &

*Ordered*, That the Prayer of this Petition be so far granted, as that there be allowed & paid out of the public Treasury to each of the Petitioners for thirteen days subsistence, reckoning the same at the rate of four Shillings ℔ Week, saving John Metcalf who is not born on Capt Godfrey's Muster Roll, in Consideration of their Expences mentioned. [*Passed January 17.*

## CHAPTER 267.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, ETC. FOR THE COUNTY OF YORK AND ALLOWING £2. 16. 4 FOR THE EXPENSE THEREOF.

The Report of the Committee for letting out to Farm the duties of Excise upon Tea, Coffee and China Ware in the County of York with their account of Expence amounting to £2.16.4.

Legislative Records of the Council, xxi., 348. Mass. Archives, cxx., 144.

Read and Accepted; And

*Ordered*, That there be allowed and paid out of the public Treasury to the said Committee the sum of two pounds sixteen Shillings & four pence in discharge of their Account of Time & Expences exhibited. [*Passed January 17.*

Mass. Archives, cxx., 144. House Journal, p. 265. *Ante*, p. 614, chap. 211.

## CHAPTER 268.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, ETC., FOR THE COUNTY OF NANTUCKET AND ALLOWING 22/4 FOR THE EXPENSE THEREOF.

The Report of the Committee for letting out to Farm the Duties of Excise upon Tea, Coffee, and China Ware in the County of Nantucket with the Account of Expences amounting to £1.2.4.

Legislative Records of the Council, xxi., 348.

Read and accepted &

House Journal, p. 265. *Ante*, p. 614, chap. 213.

*Ordered* That there be allow'd and paid out of the Public Treasury to the said Committee the Sum of twenty two shillings & four pence in discharge of their account of time and expences exhibited. [*Passed January 17.*

## CHAPTER 269.

RESOLVE CONSTRUING AN ACT IN REGARD TO BOSTON LOTTERIES.

Legislative Records of the Council, xxi., 349. Mass. Archives, lxxxviii., 49.

House Journal, pp. 263, 266, 267. Province Laws, iii., 888, chap. 24; iv., 243, note.

WHEREAS in and by an Act of this Province made and passed in the Twenty ninth Year of his present Majesty's Reign, Intitled, "An Act for raising a Sum of Money, by a Lottery or Lotteries, for the paving and repairing the Neck, leading out of the Town of Boston, called Boston Neck," Messrs Samuel Grant, Thomas Hill, Joshua Henshaw, Joseph Jackson, Thomas Cushing, Samuel Hewes and John Scollay of Boston, or any Three of them, are allowed and impowered to set up and carry on one or more Lottery or Lotteries, amounting in the whole, to such a Sum, as by drawing or deducting Ten per Cent out of the same, or out of each Prize or Benefit Ticketts may raise Three Thousand Pounds and no more, which Sum when raised should be paid to the Town Treasurer of Boston, within ten Days after the Sale of the Ticketts for the Lottery or Lotteries aforesaid shall be compleated:

And whereas the aforesaid Samuel Grant, Thomas Hill, Joshua Henshaw, Joseph Jackson, Thomas Cushing, Samuel Hewes and John Scollay have proposed to raise the said Sum of Three Thousand Pounds by five several Lotteries, and have accordingly set up and carried on One of the said five already, whereby they have raised Two Thousand Dollars and paid the same unto the Treasurer of the Town of Boston, and are now carrying on a Second Lottery, for the raising Twenty one Hundred Dollars more, which is near compleat; and whereas a Doubt has arisen, whether the Select Men of the Town of Boston for the Time being, who are by said Act impowered to contract and agree for the paveing and repairing the Neck aforesaid, can enter upon or begin the same till the full Sum of Three Thousand Pounds be raised, and thereupon a considerable Sum of Money must lie unimproved, and the Work not effected for a long Time, which would be a publick Damage.

*Resolved*, That it is the true Intent and Meaning of the said Act, that on the said Samuel Grant, Thomas Hill, Joshua Henshaw, Joseph Jackson, Thomas Cushing, Samuel Hewes and John Scollay their receiving the Sum proposed to be raised by each Lottery and paying the same to The Treasurer of the Town of Boston, the Selectmen of said Boston for the Time being be and accordingly they hereby are authorized and impowered to begin and carry on the said Work, and to draw out of the Treasury the Money so raised, from Time to Time, for the End and Use provided for in said Act. [*Passed January 17.*

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## CHAPTER 270.

ORDER ABATEING £506. 13. 4 OF THE PROVINCE TAX OF NANTUCKET.

Legislative Records of the Council, xxi., 350. Mass. Archives, cxvii., 261.

A PETITION of Jonathan Coffin in behalf of the Inhabitants of Nantucket, shewing that in the course of the last Year they have lost by the Enemy and Shipwrecks one fifth part of all their Navigation, and upwards of One hundred Men or at least the benefit

of their Service, & have many Widows & fatherless Children thrown upon them for a support by means of said disasters.

And inasmuch as the greater part of the Inhabitants of said place are Quakers they are by Law subject to the payment of Thirteen pounds six shillings and eight pence for each & every man that must otherwise have gone into the public Service, the payment of which would be very burthensome under their present distressing circumstances. Therefore praying for an Abatement.

Mass. Archives, cxvii., 260. House Journal, pp. 249, 250, 263, 266. Province Laws, iii., 967, chap. 1; 1055, note.

Read and

*Ordered*, That the Prayer of this Memorial be so far granted, as that the assessors for said Island, be and hereby are allowed in making their assessment for their province Tax for the Current Year to add thereto only the sum of one thousand pounds, for deficiency of Soldiers, instead of fifteen hundred & six pounds thirteen Shillings & four pence, which was added to them by this Court, for that reason, in the last Tax Act; And that y^e^ Province Treasurer be and hereby is directed, on their paying the said one thousand pounds into the Treasury to give a Discharge in full for their said Additional Tax. [*Passed January 17.*

## CHAPTER 271.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, ETC., FOR THE COUNTY OF HAMPSHIRE AND ALLOWING 21/ FOR THE EXPENSE THEREOF.

THE REPORT of the Committee for letting out to farm the duties of Excise upon Tea, Coffee, & China Ware, in the County of Hampshire with their account of Expence amounting to £1.1.

Legislative Records of the Council, xxi., 351. Mass. Archives, cxx., 145.

Read and Accepted; And

*Ordered* That there be allowed & paid out of y^e^ Public Treasury to the said Committee the Sum of twenty one Shillings in Discharge of their Acc^o^ of time & Expences exhibited. [*Passed January 17.*[1]

Mass. Archives, cxx., 145. House Journal, p. 270. *Ante*, p. 613, chap. 206.

## CHAPTER 272.

ORDER IN REGARD TO THE REGULATION OF WAGES, &c., IN THE LATE CROWN POINT EXPEDITION.

*Ordered*, That the Captains or chief Officers of the several Companies in the late Crown-Point Expedition in making up the muster Rolls carry out the Wages of each Non Commission Officer and Soldier born on their respective Rolls from the Time of their several Inlistments until they left the Army by Dismission or Furlough and until their Return Home, allowing fifteen Miles for a Day's Travel; and that Those who were impressed or inlisted, and did not join the Army to have no Allowance made them in the Muster Rolls.

Legislative Records of the Council, xxi., 352. Mass. Archives, lxxvi., 236.

House Journal, pp. 235, 263, 264. *Ante*, p. 456, chap. 320.

That there be allowed Wages to each Captain or Chief Officer of the several Companies in said Expedition fifteen Days after his

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 18.

Return Home, for making up their respective Muster Rolls. Also for his Travel to Boston in Order to lay the same before the Court, allowing twenty Miles for a Day's Travel; and in making up the same, that they charge those who have received Fire Arms, Bayonets, and Drums, unless they have, or shall return them.

That every Officer or Soldier who have received the Province Arms and Accoutrements thereto belonging, and do not return them into the Commissary General's Office, the Sum of Two Pounds ten shillings shall be deducted out of their respective Wages, in the Rolls for each Fire Arm &c not returned as aforesaid.

That every Officer or Soldier who joined the Army, and returned without Leave or deserted, shall not be intitled to any Wages for his Service.

That each Officer upon his presenting his Muster Roll shall bona fide swear, That each Person borne on his Roll has actually performed the Service for the whole Time he is borne on said Roll.

That a Column be inserted in the Muster Rolls for the half Pay of those Soldiers who re-inlisted into the Service of the late Expedition agreable to the Resolve of this Court of the 28th of February last. [*Passed January 17.*[1]

## CHAPTER 273.

ORDER ALLOWING BILLETING ACCOUNT TO JOHN CHANDLER, JR.

Legislative Records of the Council, xxi., 351.

House Journal, pp. 200, 215, 269. *Ante*, p. 432, chap. 256; p. 597, chap. 166.

A PETITION of John Chandler junr Esqr of Worcester praying an Allowance for billeting one hundred and ninety men being part of the Six hundred men who were ordered to rendezvous there in order to receive Arms and Stores, and for allowance likewise for the trouble of delivering out Arms &c for three hundred & fifteen men and taking Receipts for the same.

Read and

*Ordered* That the prayer of this Memorial be so far granted, as that there be allowed & paid out of the Public Treasury to the Memorialist at the rate of six pence ℔ Meal for the Subsistence of the several men billetted by the Memorialist and others during their Stay at Worcester as herein mentioned. [*Passed January 18.*

## CHAPTER 274.

RESOLVE CONSTRUING AN ACT PROVIDING TWO ARMED VESSELLS TO GUARD THE COAST.

Legislative Records of the Council, xxi., 352. Mass. Archives, lxv., 288.

House Journal, pp. 271, 272. Province Laws, iii., 989, chap. 12. *Ante*, p. 608, chap. 194.

WHEREAS in the Act lately passed this Court providing two armed Vessells &c It is not so fully expressed what Select men or Assessors are impowred & directed to assess, & tax the vessells therein mentioned Therefore

*Resolved* that the Selectmen or Assessors to be chosen next march, be the Persons that shall assess & tax the vessells aforesd that have been liable to be taxed from the first of last November to this time, and from this time to the first of November next And the Select-

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 18.

men or Assessors that after next march shall be chosen annually during the continuance of said Act shall be the Persons that shall assess & tax all the vessells in their respective towns liable to be taxed: The time to be reckoned from the first of November annually And the Treasurer of this Province is hereby directed to send to the assessors of the maritime towns a Copy of s[d] Act & this resolve. [*Passed January 18.*

## CHAPTER 275.

ORDER ALLOWING THE COMMISSIONERS FURTHER TIME TO EXAMINE THE CLAIMS OF CREDITORS AGAINST AN INSOLVENT ESTATE.

A PETITION of Seth Babbit of Norton, Physician, shewing that he had administred to Nehemiah King of said Norton in his last Sickness, & to several of his Children sick at the same time: that the said Nehemiah died insolvent, & the Petitioner had presented his Account to the Commissioners appointed to examine the claims of the Creditors, but that no notice was taken thereof until the administrator had settled his accounts therefore praying that the Judge of Probate for the County of Bristol may be impowered to allow the Commissioners a further time to examine the claims of the Creditors, and that his said account may be considered.

Legislative Records of the Council, xxi., 354. Mass. Archives, cv., 554.

Mass. Archives, cv., 553. House Journal, p. 275.

Read And

*Ordered*, That the Prayer of this Petition be granted, And That the Judge of Probate for y[e] County of Bristole be & he hereby is Impowered & directed to allow such further Time to the Commissioners for examining the Claims of the Creditors to the said deccaseds Estate, as he shall think reasonable. [*Passed January 20.*

## CHAPTER 276.

ORDER IMPOWERING FRANCIS WHIPPLE, EXECUTOR, AND OTHERS, TO SELL LAND.

A PETITION of Francis Whipple Executor of the last will & testament of Thomas Lampson of New Braintree deceased shewing that his Testator devised one half of his Lands being sixty eight Acres and appriz'd at Sixty Six pounds thirteen shillings & four Pence to Abigail Whipple & the other half to his Brothers & Sisters being nine in all, seven of whom are under age, & as said Lands would if sold together produce more than if divided Praying that he may be impowered in behalf of the minors to join in the Sale of said Lands.

Legislative Records of the Council, xxi., 355. Mass. Archives, xix., 490.

House Journal, pp. 272, 275, 276. Province Laws, ii., 151, chap. 10.

Read and

*Ordered* That the Prayer of this Petition be So far granted, as That the Pet[r] together with Peter Lampson the Father of the Minors therein mentioned be impowered on the behalf of said Minors to join in the Sale of said Lands with those that are of Age interested therein, and to make and pass a good Deed or Deeds of Sale in the Law for the same, provided That in such Sale he follow the Rules & directions of the Law respecting the

Sale of reall Estates by Executors & Admin[rs] & give sufficient Caution to the Judge of probate for the County of Worcester to be Accountable for the produce of Said Sale. [*Passed January 20.*

## CHAPTER 277.

ORDER IMPOWERING REBECCA LYNDE AND OTHERS, ADM[RS], TO SELL REAL ESTATE.

Legislative Records of the Council, xxi., 355. Mass. Archives, xix., 491.

House Journal, p. 277. Province Laws, ii., 151, chap. 10.

A PETITION of Rebecca Lynde, Daniel Lynde, and Thomas Darny, Administrators on the Estate of John Lynde, late of Leicester deceased Shewing that the said John died in July last, not leaving sufficient personal Estate to pay his debts therefore praying liberty to sell so much of the deceaseds real Estate as shall be necessary for that purpose, which will amount to Two hundred & sixty pounds Lawful Money at the least.

Read and

*Ordered*

that the prayer of the Petition be granted and that the Petitioners be & they are hereby Impowered to Sell So much of the Dec[ds] Reall Estate for the most the Same will fetch as may produce the Sum of Two hundred & Sixty pounds Lawfull mony, that they Post up notifications of the time & place of Sale in y[e] Town where the Land lyes & in the the [1] Shire Town of the County of Worcester & that they Execute a good Deed or Deeds in the Law for conveying the Same they giving Sufficient Caution to the Judge of Pro[bate] [2] for y[e] Said County to be accountable for the Same. [*Passed January 21.*[3]

## CHAPTER 278.

ORDER IMPOWERING NATHANIEL WALES, GUARDIAN, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 356. Mass. Archives, xix., 494.

Mass. Archives, xix., 493. House Journal, p. 278.

A PETITION of Nathanael Wales, Guardian of Ann Fitch & Ruth Fitch Minors Shewing that the said Minors are in right of their Father Joseph Fitch deceased intitled to two seventh parts of a peice of Land with the Buildings thereon in Summer Street. that the owners of the other five sevenths have lately sold their Interest therein, and that there is now an opportunity to dispose of the Minors shares to a much greater advantage than any can be made by improving the same. Therefore praying for liberty to make Sale thereof for the benefit of said Minors.

Read and

*Ordered* That the Prayer of the Petition be granted and that the Petitioner in his Capacity as Guardian to the Minors within mentioned be and he hereby is impowered to make Sale of the said Land, and the Buildings thereon for the most the same will fetch and to give a a [1] good and sufficient Deed in the Law for the same Provided he give Sufficient Caution to the Judge of Probate for the County

[1] *Sic.*

[2] Inserted from Legislative Records of the Council, xxi., 356.

[3] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 20.

of Suffolk to be Accountable for the Produce of the same and that he will pay to each of the said Minors her respective Share together with Lawfull Interest on her arrival at the age of twenty one Years, or on her Marriage which shall first Happen otherwise to her Lawfull Heirs. [*Passed January 21.*[1]

## CHAPTER 279.

ORDER GRANTING TO JOSEPH BRIGGS LICENCE TO SELL STRONG DRINK.

A Petition of Joseph Briggs of Hingham Shewing that he has undertaken to supply a number of Fishermen & praying that the Court of General Sessions of the Peace for the County of Suffolk may be enabled to grant him a license to retail spirituous Liquors for the Purpose aforesaid.

Legislative Records of the Council, xxi., 356. Mass. Archives, cxx., 134.

House Journal, pp. 278, 279.

Read and

*Ordered* that the Prayer of the Petition be so far Granted as that the Justices of the Court of General Sessions of the Peace for the County of Suffolk be and they hereby are authorized and impowered to grant the Pet$^{r}$ Licence to retail Spirituous Liquors (if they see fit) he first Obtaining the Approbation of the Select men of the Town of Hingham the time for granting Licences being elapsed Notwithstanding. [*Passed January 21.*[1]

## CHAPTER 280.

ORDER ALLOWING £19. 4 TO CAPT ITHAMAR HUBBELL.

A Petition of Ithamar Hubbell of Sheffeild shewing that he raised a Company in the year 1755 for the Crown Point Expedition, & billeted his Men from 25$^{th}$ day of June when his Company was muster'd to the 9$^{th}$ day of July when he received orders to March. and praying allowance therefor.

Legislative Records of the Council, xxi., 358. Mass. Archives, lxxvi., 175.

Mass. Archives, lxxvi., 174.

House Journal, pp. 261, 277.

*Ante*, p. 586, chap. 139.

Read and

*Ordered*, That the Prayer of this Petition be granted; And That there be allowed and paid out of the Public Treasury to the Petitioner, the sum of Nineteen Pounds four Shillings in full for Billeting forty Eight Soldiers two Weeks each in the Year 1755 as therein mentioned. [*Passed January 21.*

## CHAPTER 281.

ORDER REMITTING £4. 4 TO MOSES MARCY.

A Petition of Moses Marcy of Sturbridge, shewing that he purchased the duty of Excise upon Tea, Coffee & China Ware in the County of Worcester for the year 1755 for the Sum of four Pounds four shillings, but inasmuch as the several persons selling those com-

Legislative Records of the Council, xxi., 358. Mass. Archives, cxx., 146.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is January 20.

Mass. Archives, cxx., 146. House Journal, pp. 276, 277. *Ante*, p. 442, chap. 279.

modities in said County had purchased their whole Stocks of other persons licensed to sell the same, and were thereby exempted from paying any further duty. therefore praying that said Sum of Four pounds four shillings may not be exacted of him.

Read and

*Ordered*, That the Prayer of this Petition be granted; & that the sum of four pounds four Shillings be remitted to y^e^ Petitioner, And the Treasurer is hereby directed to deliver up the Bond mentioned to the Petitioner Accordingly he pay^s^ the Charges of the Sale of said Excise. [*Passed January 21.*

## CHAPTER 282.

ORDER ALLOWING 26/8 TO JONATHAN SEAGER.

Legislative Records of the Council, xxi., 358. Mass. Archives, lxxvi., 93.

House Journal, pp. 246, 277, 279.

A PETITION of Jonathan Seager of Sheffield shewing that on the 31^st^ day of August 1754 He lent a Gun to Samuel Stevens to go out upon an Alarm then made, of the Indians being at Stockbridge, that said Stevens was afterwards killed by the Enemy; & the Gun lost therefore praying an allowance for the same.

Read &

*Ordered*, That there be allowed & paid out of the public Treasury to the Petitioner, the sum of twenty Six Shillings & eight pence in full for the Gun Mentioned. [*Passed January 21.*

## CHAPTER 283.

ORDER DIRECTING SELECTMEN OR OVERSEERS OF THE POOR TO FURNISH A LIST OF THE FRENCH INHABITANTS IN THEIR SEVERAL TOWNS.

Legislative Records of the Council, xxi., 359. Mass. Archives, xxiii., 329.

Legislative Records of the Council, xxi., 357. House Journal, p. 278. Province Laws, iii., 1059, note. *Ante*, p. 606, chap. 188.

*Ordered* that the Selectmen or Overseers of the Poor of the several Towns wherein any of the French Inhabitants of Nova Scotia are placed; be directed, whenever they Shall offer an account of their disbursments for the Support of them, to annex thereto a List of the several French persons in such Town with an account of their age and sex, and the circumstances of their health and capacity for labour.

And That a Copy of this Vote be printed, & sent to y^e^ Several Towns & Districts where any of y^e^ s^d^ Inhabitants are placed. [*Passed January 21.*

## CHAPTER 284.

VOTE APPOINTING A COMMITTEE TO RECEIVE PROPOSALS FROM THE EARL OF LOUDOUN.

Legislative Records of the Council, xxi., 359. Mass. Archives, vi., 227.

In Council

*Voted*, that Thomas Hutchinson & William Brattle Esq^rs^ with such as shall be joyn'd by the Hon^ble^ House be a Committee to receive any Proposals which the Right Hon^ble^ the Earl of Loudoun

may judge proper to lay before them, and to confer upon such Proposals with Commissioners or Committees appointed by the Neighbouring Governments for the like Purpose. The said Committee to Report from time to time as there may be occasion

In the House of Repᵉˢ Read, And Concurred, And Mʳ Speaker, Colº Otis & Mʳ Welles are joined in the Affair. [*Passed January 21.*

Legislative Records of the Council, xxi., 352, 353. House Journal, pp. 273, 279, 280. Province Laws, iii., 1073, note.

## CHAPTER 285.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, ETC., FOR THE COUNTY OF ESSEX AND ALLOWING £2. 10. 4 FOR THE EXPENSE THEREOF.

THE REPORT of the Committee for letting out to farm the duties of Excise upon Tea, Coffee & China Ware in the County of Essex with their account of Expence amounting to £2.10.4.

Read and Accepted, And

*Ordered*, That there be allowed and paid out of the public Treasury the Sum of two pounds ten Shillings & four pence, in full for their Accº of Time & Expences exhibited. [*Passed January 21.*

Legislative Records of the Council, xxi., 359. Mass. Archives, cxx., 142.

Mass. Archives, cxx., 142. House Journal, p. 279. *Ante*, p. 612, chap. 204.

## CHAPTER 286.

VOTE IN REGARD TO DEDUCTIONS FROM WAGES OF SOLDIERS FOR NOT RETURNING BAYONETS, &c.

*Voted*, That there be deducted out of the Wages of every Soldier in the late Crown point Expedition who received the Province Arms, Nine Shillings for not returning his Bayonett, & One Shilling for not returning his Sling into the Commissary Genlˡˢ Office; And to be made up in the Muster Roll Accordingly. [*Passed January 24.*

Legislative Records of the Council, xxi., 362. Mass. Archives, lxxvi., 243.

House Journal, p. 281. *Ante*, p. 440, chap. 275.

## CHAPTER 287.

ORDER ALLOWING ACCOUNT OF GIDEON MOODEY FOR SUBSISTENCE

UPON THE OATHS of Nehemiah Dickinson & Samuel Moody that Gideon Moodey a Soldier in the late Expedition since deceased travelled home from the Army at his own expence.

Read &

*Ordered* That the Province Treasurer be, and he hereby is directed to pay to Eleazer Porter Esqʳ the Sum due to the within named Gideon Moodey for his subsistence on his Return home from the Expedition against Crown Point in the year 1755 since deceased the Order of this Court notwithstanding. [*Passed January 24.*

Legislative Records of the Council, xxi., 362.

House Journal, p. 281. *Ante*, p. 445, chap. 289.

## CHAPTER 288.

ORDER ALLOWING 40/ TO DAVID KITTERIDGE.

Legislative Records of the Council, xxi., 362. Mass. Archives, lxxvi., 231.

A PETITION of David Kitteridge, a Soldier in the Expedition against Crown point in 1755 Shewing that he was carried sick from the Army to Albany, & during his said sickness his Gun was stolen from him, as set forth in a former Petition to this Court And praying an allowance therefor.

Mass. Archives, lxxvi., 230. House Journal, pp. 31, 263, 283.

Read and

*Ordered*, That there be allowed & paid out of y^e^ Public Treasury to M^r^ William Stickney for y^e^ use of the Petitioner y^e^ sum of forty Shillings, in full Consideration for y^e^ loss of his Gun Mentioned. [*Passed January 25.*

## CHAPTER 289.

ORDER ALLOWING £2. 3. 4 TO JOHN LOVE.

Legislative Records of the Council, xxi., 363. Mass. Archives, lxxv., 59.

A PETITION of John Love, Shewing that he was a Soldier at Fort Halifax in the year 1755. & was dismissed thence by his Honour the Leiutenant Governor while he was at Boston upon furlow: that he hath done Services there as by account exhibited to the Amount of £2.3.4 And praying an Allowance.

House Journal, pp. 244, 284.

Read and

*Ordered* That there be allowed & paid out of y^e^ public Treasury The sum of two pounds three Shill^s^ & four pence to David Stockbridge Esq^r^ for y^e^ Use of the Petitioner in Discharge of his Acc^o^ exhibited. [*Passed January 25.*

## CHAPTER 290.

ORDER IMPOWERING MARY GATES, ADM^X^, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 363. Mass. Archives, xix., 486.

A PETITION of Mary Gates, Administratrix on the Estate of Thomas Wheeler late of Stow deceased Shewing that the said Estate is in debt about thirty pounds more than the personal Estate will discharge, that the Deceased left four Children Minors, that his Real Estate was apprized at two hundred pounds, & is mostly unimproved Lands, & that were She to sell off what is improved for the payment of the debts it would greatly injure the rest Therefore praying She may have liberty to sell the whole, she improving the Overplus for the benefit of the Heirs.

Mass. Archives, xlx., 485, 487. House Journal, pp. 270, 283. Province Laws, ii., 151, chap. 10.

Read and

*Ordered*, That y^e^ Prayer of this Petition be granted, & That y^e^ Pet^r^ be & She hereby is impowered in her s^d^ Capacity of Admin^x^ to make Sale of the whole of y^e^ reall Estate mentioned for the most the same will fetch & to make in due form of Law a Deed or Deeds of Conveyance thereof She Observing the Directions of the Law respecting the Sale of reall Estates by Exec^rs^ & Admin^rs^ which deed when duly executed & Acknowledged & recorded in the Reg-

istry of Deeds for the County of Middlesex, shall be deemed & is hereby declared to be good & valid in Law to all intents & purposes whatsoever. Provided she give sufficient Caution to y^e^ Judge of Probate &c, for Said County to be Accountable for y^e^ produce Arising by said Sale, for paying y^e^ just Debts of y^e^ dec^d^ & to pay y^e^ over plus together with lawfull Interest for the same; to the said Minors as they shall respectively arrive at Lawfull Age or be married, otherwise to the Lawfull Heirs of y^e^ Said deceased. [*Passed January 25.*

## CHAPTER 291.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE ON TEA, COFFEE, ETC., FOR THE COUNTY OF BARNSTABLE AND ALLOWING £2. 16. 4 FOR THE EXPENSE THEREOF.

THE REPORT of the Committee for letting out to farm the duties of Excise upon Tea, Coffee, & China Ware in the County of Barnstable with their account of expence amounting to £2.16.4.

Legislative Records of the Council, xxi., 364. Mass. Archives, cxx., 146a.

Read AND Accepted, And

*Ordered*, That there be allowed and paid out of y^e^ public Treasury to y^e^ said Com^tee^ y^e^ Sum of two pounds sixteen Shillings & four pence in discharge of their Acc^o^ of Time & Expences exhibited. [*Passed January 25.*

House Journal, pp. 284, 285. *Ante*, p. 613, chap. 209.

## CHAPTER 292.

ORDER ALLOWING £5. 5. 9 TO JACOB LOOMIS.

A PETITION of Jacob Loomis Shewing that he inlisted for the Crown Point Expedition in the year 1755; that he was in Capt^n^ Ingersols Company in Col^o^ Williams's Regiment, that he worked as a Blacksmith, & was promised Wages as Armourers Mate, but his Col^o^ & Capt^n^ being both killed, he was made up in the Roll, only as a private Soldier, therefore praying that he may be allowed what is due to him as Armourer's Mate, or otherwise releived.

Legislative Records of the Council, xxi., 364. Mass. Archives, lxxvi., 92.

House Journal, pp. 214, 246, 284.

Read &

*Ordered*, That there be allowed and paid out of the public Treasury to Cap^t^ Ithamar Hubbell for the use of the Petitioner the Sum of five pounds five Shillings & Nine pence in full for his Services mentioned. [*Passed January 25.*

## CHAPTER 293.

ORDER ALLOWING £5. 10 TO JOHN ASHLEY.

A PETITION of John Ashley Shewing that in Sept^r^ 1754 he went with his own Company & part of another Company to the releif of Stockbridge upon the Alarm there, & afterwards to Pontoosuck, where he found the People in the greatest consternation, & determined to quit the place, had he not prevailed upon eleven men to stay & to guard them upon his promise to pay them two shillings

Legislative Records of the Council, xxi., 365. Mass. Archives, lxxvi., 172.

Legislative Records of the Council, xx.,

322, 323. House Journal, p. 285. *Ante*, p. 225, chap. 140.

$\mathfrak{p}$ day, which he has since paid them for the time they continued there, & praying for an allowance for his said disbursements, & for the Service of those who went out with him upon the Alarm.

Read and

*Ordered*, That the Prayer of this Petition be so far granted, as y$^{t}$ there be allowed and paid out of y$^{e}$ public Treasury to the Memorialist the sum of five pounds ten Shillings for the Eleven men Mentioned, in full of his Acco$^{t}$ annexed. [*Passed January 25.*

## CHAPTER 294.

ORDER DIRECTING THE JUDGE OF PROBATE FOR COUNTY OF SUFFOLK TO ADMIT AND EXAMINE CLAIMS AGAINST AN INSOLVENT ESTATE.

Legislative Records of the Council, xxi., 366. Mass. Archives, xlx., 463.

Mass. Archives, xix., 462. House Journal, p. 289.

A PETITION of Nathanael Perkins, Joseph Jackson, W$^{m}$ Ross Shewing that they are Creditors to the Estate of Ebenezer Holmes deceased, represented insolvent, & that they seasonably gave in their Accounts, but through some neglect of the Attorney to the administratrix of the deceased they were not laid before the Commissioners, & the time for receiving the claims is now elapsed. Therefore praying that this Court would impower the Judge of Probate of Wills &$^{c}$ for the County of Suffolk to grant a further time for the said Commissioners to receive & examine the Petitioners Claims, or to impower said Judge to examine them himself & allow what is justly due, as there has been no distribution yet made of said deceased's Estate.

Read and

*Ordered* that the Judge of Probate of Wills for the County of Suffolk be impowered and directed to admit the several Claims of the Petitioners, and to allow such part thereof as shall appear to be due, after the same have been examined by the said Judge. [*Passed January 26.*

## CHAPTER 295.

ORDER ALLOWING ACCOUNT OF JOHN ROBBINS FOR SUBSISTENCE.

Legislative Records of the Council, xxi., 367. Mass. Archives, lxxvi., 245.

Mass. Archives, lxxvi., 244. House Journal, pp. 289, 290. *Ante*, p. 445, chap. 289.

A PETITION of Nathan Robins Shewing that his Son John Robins a Soldier in the Crown Point Expedition now decease'd had never received the Governments allowance for his Subsistence upon his return home (saving one shilling) & praying that he may receive the usual Allowance in his Son's Stead.

Read And

*Ordered*, That The Province Treasurer be, & he hereby is allowed & directed to pay to y$^{e}$ Pet$^{r}$ the sum due to his Son John Robbins for his subsistence on his return from y$^{e}$ Army in y$^{e}$ Year 1755, (deducting one shilling) as made up in the Muster Roll of y$^{e}$ Comp$^{y}$ he belonged to, the order of this Court Notwithstanding. [*Passed January 27.*

## CHAPTER 296.

ORDER IMPOWERING BENJAMIN MORRIS, ADMINISTRATOR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Benjamin Morris Administrator on the Estate of John Hallowell of Brimfield deceas'd Shewing that he hath obtained leave of the Superior Court for selling of the Deceased's real Estate to the amount of Sixty Pounds, That said Estate consists of one intire peice of wild Land, & That it would be for the benefit of the Heirs to have the whole sold together & praying liberty to sell the Same accordingly.

Legislative Records of the Council, xxi., 367. Mass. Archives, xix., 468.

Mass. Archives, xix., 467. House Journal, pp. 272, 288, 289.

Read &

*Ordered* That y^e^ prayer of this Petition be granted; And that y^e^ said Benjamin be & he hereby is impowered in his said Capacity of Admin^r^ to make Sale of y^e^ Land Mentioned (exclusive of y^e^ Sixty pounds worth ordered by the sup^r^ Court held in s^d^ County in Sep^r^ last to be sold to pay the just debts of y^e^ deceased) for the most y^e^ same will fetch, he Observing the directions of y^e^ Law respecting y^e^ Sale of reall Estates by Exec^rs^ & Admin^rs^ & to make & execute in due form of Law a good Deed or Deeds for Conveyance thereof, which when duly executed, acknowledged & recorded in y^e^ registry of Deeds for s^d^ County shall be & hereby is declared to be good & valid to all intents & purposes, provided he give sufficient Caution to y^e^ Judge of Probate for s^d^ County, that y^e^ money arising by said Sale, after payment of y^e^ Just debts Mentioned, be distributed to and among the several Heirs of y^e^ Said dec^d^ as mentioned in his last Will & Testament. [*Passed January 27.*

Province Laws, ii., 151, chap. 10.

## CHAPTER 297.

ORDER IMPOWERING MARY COOK, EXECUTRIX, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Mary Cook, Widow, & Executrix of Daniel Cook late of Newtown decease'd, Shewing That her said Husband purchased a Tract of Land in Narragansett Township N° 2. out of money's received as her portion & settled the same upon their only surviving Child, who afterwards dying, her said Husband conveyed the same by deed to her, & by his last will left his personal Estate intirely at her disposal, & settled the rest of his real Estate on his Blood Relations. But inasmuch as the debts amount to more than expected, she may be stript of the personal Estate in order to discharge them & left in necessitous circumstances, & as the conveyance of the Lands to her as aforesaid was irregular She prays the Aid of this Court in further impowering of her to sell the same in order to pay her said Husbands Debts.

Legislative Records of the Council, xxi., 368. Mass. Archives, xix., 466.

Mass. Archives, xix., 464. House Journal, pp. 268, 289.

Read &

*Ordered*, That the Prayer of this Petition be granted; and that y^e^ Petitioner in her said Capacity of Executrix be & she hereby is impowered to make Sale of the Two Lotts of Land in Narragansett Township N° 2 mentioned; and to give as good & sufficient a Deed or Deeds of Conveyance thereof in Law, as the Said Daniel

Cook could have done in his life time, And the produce thereof to be applied to y^e^ payment of y^e^ Just debts of y^e^ Dec^d^ as far as it will go, And the remainder, if any there be, to be and remain to y^e^ Said Mary Cook her heirs & Assigns forever. [*Passed January 27.*

## CHAPTER 298.

### ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 369. Mass. Archives, lxxvi., 251.

Mass. Archives, lxxv., 587, 588, 696, 697, 698; lxxvi., 60, 151, 169, 171, 214, 220, 221. House Journal, p. 287.

*Ordered*, That there be allowed and paid out of y^e^ Public Treasury to Cap^t^ Jabez Upham for y^e^ Use of James Nichols thirty five Shillings & six pence; to M^r^ Nath^l^ Sumner for y^e^ use of Ebenezer Turner twenty eight Shill^s^ & eight pence; To John Noyes Esq^r^ for the use of Jedidiah Parmenter fifty Eight Shillings; to Cap^t^ S [1] Barker for y^e^ Use of Hannah Asten forty four Shillings; to Joseph Buckminster Esq^r^ for y^e^ use of Jonathan Gibbs three pounds sixteen Shillings; to Joseph Gerrish Esq^r^ for y^e^ use of Jacob Merrick twenty five Shillings; To Moses Marcy Esq^r^ for y^e^ Use of Daniel Moffit forty Shillings; To Cap^t^ Ephraim Spaulding for y^e^ Use of Joshua Colburn Eight pounds ten Shillings; And to M^r^ William Stickney for y^e^ use of Samuel Ober forty Shillings, in full Consideration for the Expences & Losses in their respective Petitions mentioned. [*Passed January 27.*

## CHAPTER 299.

### ORDER ADJOURNING THE COURTS OF HAMPSHIRE COUNTY.

Legislative Records of the Council, xxi., 369. Mass. Archives, xliv., 343.

House Journal, p. 291. Province Laws, iii., 64, chap. 32.

WHEREAS divers of the Justices of the Court of General Sessions of the Peace and Inferiour Court of Comon pleas Which by Law are to be holden at Northampton in the County of Hampshire on the Second Tuesday of Feb^ry^ next, are Members of this Court, and the Important Affairs of the Province now depending, require their Attendance thereon Wherefore

*Ordered*, That the Courts Aforementioned (that were to be held at the time aforesaid) be and hereby are Adjourned to the first Tuesday of March next, to be held at the Court house in the s^d^ Town of Northampton at Ten of the Clock in the fore noon of Said day: And all Pleas Writs Actions Suits Plaints Processes Precepts Recognizances, and other things whatsoever returnable or having day or days in the s^d^ Courts Shall stand abide and Continue unto S^d^ Adjournment, and be held deemed and Adjudged to be as good Effectual and available in Law to all Intents Constructions and Purposes whatsoever as if Such Courts had been held and kept on the day by Law for holding the Same and no adjournment thereof had been made, and the Sheriff of Said County or his deputy is directed to post up Notification of y^e^ Adjournment of S^d^ Courts in the Shire Town of s^d^ County and where the Said Courts are to be held as soon as may be. [*Passed January 27.*

[1] The House Journal, p. 287, reads, "Capt. *Eben. Barker.*"

## CHAPTER 300.

VOTE DIRECTING PROVINCE TREASURER TO SETTLE ACCOUNTS WITH PERSONS WHO RECEIVED INLISTING MONEY.

WHEREAS Sundry Persons who receiv[d] moneys of this Government in order to Enlist Men into the late Crown Point Expedition have neglected to Account for the Same

*Voted* that the Province Treasurer be, and hereby is directed to Adjust and Settle Accounts with Such Persons as soon as may be, and that he use his utmost Endeavour to prevent any frauds and Impositions upon the Government in Said Affair and the Said Treasurer is further directed not to discharge Such Persons, or allow the Accounts they may or Shall Exhibit, untill he has Strictly Examined them & they have made Oath to the truth of the Same before him, which Oath he is hereby Impowr,d and Enabled to Administer accordingly. [*Passed January 28.*

Legislative Records of the Council, xxi., 370. Mass. Archives, lxxvi., 254.

House Journal, pp. 291, 292.

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## CHAPTER 301.

ORDER IMPOWERING JANE PRINCE, GUARDIAN, TO JOIN IN A SALE OF REAL ESTATE AND MAKING PROVISIONS IN REGARD TO THE PROCEEDS.

A PETITION of Jane Prince of Boston, Widow & Guardian to her three Children. Shewing that Jonathan Loring of said Boston Currier devised his real Estate after the death of his Wife (since deceased) to sixteen of his blood relations, subject however to the payment of his debts; that part of his Estate must be sold for this Purpose, & as the rest cannot be conveniently divided into so many Shares, the Legatees are desirous of selling the whole That the said Jane's three Children, & one since the Testators death deceased, were Devisees but they being Minors are incapable of joining in the sale. therefore praying She may be enabled to do it in their behalf.

Read and

*Ordered*, That y[e] prayer of this Petition be granted; & y[t] the Pet[r] be and she hereby is impowered in her said Capacity of Guardian to join with y[e] other Legatees and Devisees in the Division & Sale of the real Estate of the said Jonathan Loring deceased, & to make & execute a good & valid Deed or Deeds thereof to such person or persons as shall be willing to give the most for the same; She Observing the directions of the Law respecting the Sale of reall Estates by Executors & admin[rs] & giving sufficient Caution to the Judge of Probate for y[e] County of Suffolk that the Amount of whatever part thereof may be sold together with lawfull Interest thereon shall be equally divided between & paid to her three surviving Children, Samuel, Jane & Deborah blood relations to the said Jonathan as they shall respectively come of Age. [*Passed January 28.*

Legislative Records of the Council, xxi., 370. Mass. Archives, xix., 496.

Mass. Archives, xix., 495. House Journal, pp. 286, 292. Province Laws, ii., 151, chap. 10.

## CHAPTER 302.

Legislative Records of the Council, xxi., 372. Mass. Archives, cxx., 224.

ORDER SUBSTITUTING JOHN MURRAY, ESQR, IN PLACE OF WILLIAM RICHARDSON, ESQR, ON THE COMMITTEE APPOINTED TO FARM EXCISE ON TEA, COFFEE, ETC., FOR WORCESTER COUNTY.

House Journal, p. 293. Province Laws, iii., 1063, note. *Ante*, p. 613, chap. 207.

*Ordered*, That John Murray Esqr be of the Committee appointed to farm out ye Duties of Excise on Tea, Coffee & China Ware in the County of Worcester, for one Year from the first of Novr last, in the Room of William Richardson Esqr who desires to be Excused from that Service. [*Passed January 28.*[1]

## CHAPTER 303.

VOTE IN REGARD TO THE RETURN OF FIRE ARMS AND ACCOUTREMENTS.

Legislative Records of the Council, xxi., 371.

Mass. Archives, lxxvi., 261. House Journal, p. 292. *Ante*, p. 358, chap. 73; p. 477, chap. 368.

*Voted* That the Arms & Accoutrements belonging to this Province which were delivered for the late Crown Point Expedition, & are in the possession of any persons in the Countyes of Suffolk, Middlesex & Barnstable be returned into the Commissary General's Office; that those in the County of Essex be delivered to Ichabod Plaistead Esqr at Salem; those in the County of Hampshire to John Worthington Esqr at Springfield; those in the County of Worcester to Gardner Chandler Esqr at Worcester; those in the County of Plymouth to Thomas Foster Esqr at Plymouth those in the County of Bristol to Samuel White Esqr at Taunton, those in the County of York to John Bradbury Esqr at York; & those in the County of Dukes County to Captn Peter West at Tisbury; or to the Commissary General as aforesaid; who are hereby directed to receive the said Arms &c & to give a Certificate thereof to the persons of whom they shall receive the same & to transmit them to the Commissary General. &

*Ordered* that a Copy of this Vote be printed & sent to the several Towns & Districts within this Province. [*Passed January 29.*[2]

## CHAPTER 304.

VOTE IN REGARD TO THE ENLARGEMENT OF MR HENRY LEDDEL.

Legislative Records of the Council, xxi., 375. Mass. Archives, lxxvi., 256.

WHEREAS it is represented to this Court That Mr Henry Leddle of Boston who was Secretary to General Winslow in the late Expedition agst Crown point will be wanted to Attend on the Committees of this Court appointed to make enquiry into any frauds on the Governmt, & for the Muster Rolls &c; And

Legislative Records of the Council, xxi., 319. House Journal, pp. 264, 282.

Whereas the said Leddle is in danger of having his person exposed to Writts & Executions from his Creditors &c; Therefore,

*Voted* That said Committee be & hereby are impowered (as often

[1] There is some confusion of dates here, Mass. Archives, cxx., 224, giving the final action in Council as January 8; evidently a mistake for January 28, on which day the same record states it passed the House.

[2] This date is according to Mass. Archives; according to Legislative Records of the Council the date is January 28.

as it shall be necessary for them to examine said Liddell or to receive information from him,) to grant him a protection for those purposes and such protection signed by the Chairman of said Committee for the time being shall be as good & valid to all intents & purposes as any protection from the Courts of Common law & any writ Execution or other Civil process that shall be served on said Liddell during the continuance of such protection shall be & is hereby declared null & void. [*Passed January 29.*

*Ante*, p. 651, chap. 300.

## CHAPTER 305.

ORDER ALLOWING 35/ TO EBENEZER EVERETT.

A PETITION of Ebenezer Everett, shewing that he served as Armourer 31 days in the year 1755 at Lake George for which he has had no allowance and praying he may receive the usual Pay for said service.

Read and

*Ordered*, That there be allowed & paid out of the public Treasury to the Petr the sum of thirty five Shillings in full for his services mentioned. [*Passed January 29.*

Legislative Records of the Council, xxi., 375. Mass. Archives, lxxv., 466.

House Journal, pp. 246, 295.

## CHAPTER 306.

ORDER GRANTING TO BETTY PUTNAM LICENCE TO KEEP AN INN.

A PETITION of Betty Putnam of Danvers Shewing that her late Husband Israel Putnam was an Inholder in said Town but was unfortunately drowned in November last and praying that the Court of General Sessions of the Peace next to be holden in & for the County of Essex may be enabled to grant her a License to keep an Inn (if they see cause) in the House where she now dwells, & where her late Husband dwelt.

Read and

*Ordered*, That the Prayer of this Petition be granted; And That And That[1] the Justices of the Court of General Sessions of the peace for ye County of Essex be and hereby are impowered at their next Term to grant ye Petr a Licence (if they see fitt) to keep an house of public Entertainment in the District of Danvers, She first Obtaining the Approbation of the Select Men of said District, the time for granting Licences being elapsed notwithstanding. [*Passed January 29.*

Legislative Records of the Council, xxi., 376. Mass. Archives, cxi., 393.

Mass. Archives, cxi., 392. House Journal, p. 295.

## CHAPTER 307.

ORDER IMPOWERING REFEREES ON THE ACTION OF DAVD ELLINGWOOD TO REPORT THEREON.

A PETITION of David Elingwood of Beverly in the County of Essex Shewing that at the Inferiour Court of Common Pleas for said County in July 1754 he brought an Action of debt against the

Legislative Records of the Council, xxi., 376. Mass. Archives, xliv., 340.

[1] *Sic.*

Mass. Archives, xliv., 339. House Journal, pp. 290, 294.

Administrators of Jonathan Stone of Arundel in the County of York deceased on a bond given by said Jonathan the 21 day of March 1734/5. And the parties finally entered into a rule to refer the said Action & all demands to Robert Hale & Benjamin Jones Esq$^{rs}$ & Robert Haskoll: that said action was continued under the rule from term to term till September Court, at Newbury, last past; when the Action was dismissed, on the first day of their Sitting for want of the Report of the Referres, occasioned wholly by the Defendants absence. Therefore praying that the Referres may be directed to report & the Court to receive the same at their Session in March next, & make up Judgment thereon in like manner as if the Action had not been dismissed or that the Petitioner may be otherwise releived.

In the House of Represent$^{s}$

Read, and It appearing to this House That y$^{e}$ Adverse party has been notified of this Petition & given his Consent thereto,

*Ordered* That the Prayer thereof be granted; And that the Referrees appointed on the Action therein mentioned be, and they are hereby impowered & directed to proceed on the said referrence & Report thereon to the next inferior Court of Common pleas to be held in and for the County of Essex on the last Tuesday of March Next, And y$^{e}$ Justices of the said Court are hereby allowed & impowered to receive said Report, to make up Judgment & award Execution on said Action, in the same manner as by Law they should have done if the said Action had not been dismissed.

In Council Read and concurrd. [*Passed January 29.*

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## CHAPTER 308.

### ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 377. Mass. Archives, lxxvi., 259.

THE PETITIONS of Simon Davis and Others, Soldiers in the Crown Point Expedition in the year 1755 praying an Allowance for their sufferings & expences in the Service Read. [&]

Mass. Archives, lxxv., 416, 456, 553; lxxvi., 28, 29, 91, 149, 165, 166. House Journal, p. 295.

*Ordered*, That there be allowed and paid out of y$^{e}$ public Treasury to Cap$^{t}$ Jonathan Whitney for the use of Simon Davis forty Shill$^{s}$; to Samuel White Esq$^{r}$ for the use of Jonathan Porter twelve Shill$^{s}$; to Jones Esq$^{r}$ for the use of Noah Norcross thirty Shill$^{s}$ And for the use of Benjamin Dolbeare fifty two Shillings & nine pence; to Cp$^{t}$ Jabez Upham for the use of Moses Barnes forty eight Shill$^{s}$ & for the use of Joseph Walker eighteen Shill$^{s}$ to John Worthington Esq$^{r}$ for y$^{e}$ use of Heber Miller four pounds eighteen Shillings & Eight pence; And to M$^{r}$ Samuel King for y$^{e}$ Use of Daniel Burt three pounds One Shilling & Eight pence in full Consideration for their Expences & sufferings in y$^{e}$ Crown point Exped$^{n}$ in y$^{e}$ year 1755. in their respective Petitions mentioned. [*Passed January 29.*

## CHAPTER 309.

VOTE APPOINTING A COMMITTEE TO WAIT ON GOV$^{R}$ LAWRENCE.

In Council

*Voted* that John Osborne & Jacob Wendell Esq$^{rs}$ with such as the Hon$^{ble}$ House shall join be a Committee to wait on his Excellency Governour Lawrence, and make him the Compliments of this Governm$^{t}$ upon his Arrival in this Province.

In the House of Rep$^{s}$ Read And Concurred; And M$^{r}$ Fluker, Col$^{o}$ Williams & Col$^{o}$ Worthington are joined, in y$^{e}$ Affair. [*Passed February 1.*

Legislative Records of the Council, xxi., 378. Mass. Archives, vi., 236.

House Journal, p. 304.

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## CHAPTER 310.

ORDER ALLOWING £3. 4. 8 TO JOSHUA WARNER.

A PETITION of Joshua Warner, a Soldier in the Crown Point Expedition in the year 1755. Shewing that he was by mistake made up in the Muster Roll nine weeks & five days short of the time he actually was in said service And praying an Allowance accordingly.

Read And

*Ordered*, That there be allowed & paid out of the public Treasury to Israel Williams Esq$^{r}$ for y$^{e}$ use of y$^{e}$ Pet$^{r}$ the sum of three pounds four Shillings & Eight pence in Consideration of his being made up nine Weeks five days short in the Muster Roll of y$^{e}$ Company he belonged to in y$^{e}$ Exped$^{n}$ against Crown Point in 1755. [*Passed February 1.*

Legislative Records of the Council, xxi., 379. Mass. Archives, lxxvi., 159.

Mass. Archives, lxxvi., 158. House Journal, pp. 293, 302.

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## CHAPTER 311.

ORDER IMPOWERING THOMAS AWANSAMUGG, INDIAN, TO SELL LAND.

A PETITION of Thomas Awonsamog of Natick in the County of Middlesex, Indian Planter, praying for liberty to make sale of twenty acres of his Lands in said Town, to enable him to discharge his debts contracted in time of Sickness & for his more comfortable Support for the future under his infirmities contracted by means of the hardships he has undergone in his Majestys Service for many years past, & which have rendred him unable to labour.

Read and

*Ordered*, That y$^{e}$ prayer of this Petition be so far granted, as that the Pet$^{r}$ (with y$^{e}$ advice & consent of y$^{e}$ Guardians of y$^{e}$ Natick Indians) be & he is hereby allowed and impowered to make sale of twenty Acres of his Land as therein mentioned and to Execute a good & valid Deed of y$^{e}$ same to the person or persons who will give most for y$^{e}$ same, Seasonable & public Notice of the time & place of Sale being first given the proceeds of said Sale to be applied in the first place to y$^{e}$ Discharge of y$^{e}$ just Debts of y$^{e}$ Petitioner, & the remainder if any there be for y$^{e}$ more comfortable support of the Pet$^{r}$ for y$^{e}$ future. [*Passed February 1.*

Legislative Records of the Council, xxi., 379. Mass. Archives, xxxii., 704.

Mass. Archives, xxxii., 703. House Journal, pp. 253, 254, 298. *Ante*, p. 110, chap. 256.

## CHAPTER 312.

ORDER IMPOWERING EUNICE BROOKS, INDIAN, TO SELL LAND.

Legislative Records of the Council, xxi., 380. Mass. Archives, xxxii., 749.

House Journal, pp. 248, 298. *Ante*, p. 110, chap. 256.

A PETITION of Eunice Brooks of Natick, Indian Woman, Praying that she may have liberty to sell twelve Acres of her Land in Natick, in order to enable her to build an house upon her Lot in said place, & to enable her to defrey some charges arisen by reason of sickness.

Read &

*Ordered*, that y^e^ prayer of this Pet^n^ be so far granted as that y^e^ Pet^r^ with y^e^ Advice & consent of y^e^ Guardians of y^e^ Natick Indians be & she is hereby allowed & impowered to make Sale of Twelve Acres of her Land, & to make & execute a good & valid deed of Sale of the same to y^e^ person or persons who will give the most therefor (Seasonable & public Notice of y^e^ Time & place of Sale being first given) the proceeds thereof to be applied to y^e^ purposes mentioned in s^d^ Petition. [*Passed February 1.*

## CHAPTER 313.

ORDER TO PROVIDE CLOTHING, ETC., FOR TWO FRENCH CAPTIVES IN THE COUNTY OF HAMPSHIRE.

Legislative Records of the Council, xxi., 380. Mass. Archives, lxxvi., 262.

House Journal, p. 302.

*Ordered*, That the Two French Captives who lately made their Escape from his Majesty's Goal in the County of Suffolk & were afterwards retaken, And are now detained in his Majesty's Goal in Springfield, be Subsisted there as heretofore; And That as they are reduced to great distress by the want of several Necessary Articles of Cloathing to secure them against the severity of the Winter, the Sheriff of the County of Hampshire be, and he hereby is directed to provide them such Articles of Cloathing &c as are necessary for their Support at the public Charge untill this Court shall otherwise order, or till his Honour y^e^ Lieu^t^ Governor shall see fitt to remove them. [*Passed February 1.*

## CHAPTER 314.

VOTE THAT THE COMMITTEE TO RECEIVE PROPOSALS FROM THE EARL OF LOUDOUN, BE IMPOWERED TO AGREE ON THE PROPORTION OF THE 4,000 MEN TO BE RAISED BY THIS GOVERNMENT.

Legislative Records of the Council, xxi., 382. Mass. Archives, lxxvi., 263.

Legislative Records of the Council, xxi., 381. Province Laws, iii., 1074, note. *Ante*, p. 644, chap. 284. *Post*, p. 659, chap. 321.

*Voted*, That the Committee appointed by this Court to receive any proposals which the right Hon^ble^ y^e^ Earl of Loudoun should judge proper to lay before them; and to Confer with Commissioners from the Nei'bouring Governments thereon be and hereby are fully Authorized & impowered to agree on the part of this Government to his Lordship's requisition of four thousand Men so far as to engage that this Governm^t^ will raise their proportion of the said four thousand men to be Employed in his Majesty's Service in North America, subject to his Lordship's Command under Officers Inhabitants of this Province, the said Men to be paid by this Government, & not to be held more than one year from this Time; And y^e^ said

Committee are hereby further impowered to Adjust and determine with said Commissioners this Governm$^{ts}$ proportion of said four thousand Men.[1] [*Passed February 2.*

## CHAPTER 315.

VOTE THAT THE COMMITTEE TO RECEIVE PROPOSALS FROM THE EARL OF LOUDOUN CONSULT WITH COMMISS$^{RS}$ FROM OTHER GOVERNM$^{TS}$ IN REGARD TO AN EMBARGO.

Legislative Records of the Council, xxi., 383. Mass. Archives, vi., 236.

*Voted*, That the Committee appointed to receive proposals from the right Hon$^{le}$ the Earl of Loudoun &c Confer with the Commissioners from the other Governm$^{ts}$ now at Boston, About some effectual Method for preventing Provisions & Warlike Stores being Carried out of any of these Colonies to the French And to Concert Measures with them for y$^{t}$ purpose. [*Passed February 2.*

Legislative Records of the Council, xxi., 379. House Journal, p. 305. *Ante*, p. 644, chap. 284. *Supra*, chap. 314.

## CHAPTER 316.

ORDER IMPOWERING EBENEZER JONES, ADM$^{R}$, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Ebenezer Jones of Norton in the County of Bristol Administrator on the Estate of Joseph Jones of Easton in the County aforesaid. Shewing that the debts of the said deceased amount to £25.12.4 more than his personal Estate, that his real Estate was appriz'd at £27.14.8 only; & praying liberty to sell the same for the payment of debts. charges &$^{c}$

Legislative Records of the Council, xxi., 383. Mass. Archives, xix., 498.

Read And

*Ordered*, That the Prayer of this Petition be granted & y$^{t}$ y$^{e}$ Pet in his said Capacity be, & hereby is Authorized & impowered to make Sale of y$^{e}$ reall Estate mentioned for the most the same will fetch, And to make and execute a good & sufficient Deed or Deeds of the same, he Observing the Law relating to the Sale of reall Estates, & giving sufficient Caution to the Judge of Probate for y$^{e}$ County of Bristol that y$^{e}$ Overplus arising by said Sale (if any be) besides paying the just Debts of y$^{e}$ said Dec$^{d}$ shall be paid to the Heirs of s$^{d}$ dec$^{d}$ agreable to Law. [*Passed February 2.*

Mass. Archives, xix., 497, 499. House Journal, p. 306 *bis*. Province Laws, ii., 151, chap. 10.

## CHAPTER 317.

VOTE THAT THE COMMITTEE TO RECEIVE PROPOSALS FROM THE EARL OF LOUDOUN APPLY TO HIM FOR THE REIMBURSEMENT OF EXPENCES OF PROVISIONS.

*Voted*, That the Committee appointed to receive proposals from the right Hon y$^{e}$ Earl of Loudoun &c, Confer with the Commissioners from the other Governm$^{ts}$ for the same purposes, about an Application to his Excellency the Earl of Loudoun for reimbursing the Expences of the New England Colonies in Provisions last Year for the Army at Crown-point, and That the said Committee be

Legislative Records of the Council, xxi., 384. Mass. Archives, vi., 238.

House Journal, pp. 305, 306. *Supra*, chap. 315.

[1] Not found in the House Journal.

directed to Attend his Lordship severally or jointly with the said Commissioners, as they Shall judge best, & pray his favour on this behalf. [*Passed February 3.*

## CHAPTER 318.

ORDER TO LODGE THE MUSTER ROLLS OF THE CROWN POINT EXPEDITION WITH THE CLERK OF THE HOUSE FOR INSPECTION.

Legislative Records of the Council, xxi., 384. Mass. Archives, lxxvi., 266.

House Journal, p. 308.

In Council

*Ordered* That the several Muster Rolls relative to the Crown Point Expedition be lodgd with the Clerk of the House of Representatives before they are passed upon by this Board, for the Inspection of the Members of that House, who may be most likely to discover any Frauds or Mistakes with regard to the Persons belonging to their respective Towns born upon said Rolls.

In the House of Rep^e^

Read and Concurred. [*Passed February 4.*[1]

## CHAPTER 319.

ORDER DISCHARGING SARAH HUNT FROM THE EXECUTION OF ISAAC SAVAGE.

Legislative Records of the Council, xxi., 361. Mass. Archives, xliv., 352.

Mass. Archives, xliv., 350. Legislative Records of the Council, xxi., 385. House Journal, pp. 282, 307.

A PETITION of Sarah Hunt of Boston, Widow, Shewing That She was Partner in trade with her Son in law John Salmon deceas'd, that said Salmon died insolvent, and that she has assign'd over all she has in the world to the administrators for payment of the Company's debts, & gave up to them all her rights & advantages of Survivorship, hereupon expecting not to be accountable as Survivor, That the Creditors acquiesced in this Method, and brought in their Claims accordingly; and that one Isaac Savage among the rest had so done: Who. (having in the life time of the said Salmon brought an Action against the Company,) has notwithstanding taken judgement against the Petitioner and Execution for £39.14.2 and Costs amounting to £6.9.4 more Therefore praying the interposition of this Court for her Releif.

Read &

*Ordered* That the said Sarah on her Paying the sum of Six pounds nine shillings & 4^d^ being the Cost in the Action abovementioned be & she hereby is fully Discharged from the Execution of the said Isaac Savage mentioned in the Petition, save only to the said Savage his proportion out of the Estate of John Salmon deced according to the Decree of the Judge of Probate for the County of Suffolk. [*Passed February 4.*

## CHAPTER 320.

ORDER GRANTING 250 ACRES OF LAND TO WIDOW AND CHILDREN OF CAP^T^ PHINEAS STEVENS.

Legislative Records of the Council, xxi., 386. Mass. Archives, lxxvi., 191.

A PETITION of Samuel Stevens, Son of Capt^n^ Phineas Stevens in behalf of his Mother the Widow, & the Family of the deceased Shewing that his said Father spent the greater part of

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is the 3d.

his days in the Service of the Province, & as he hopes to acceptance, but living on an exposed Frontier, & having had a Family to provide for; he has not been able to procure an Estate for them, notwithstanding the pay he had received from the Government Therefore praying for a Grant for the support of the Widow & children.

Maps and Plans, Mis., xiii., 14. House Journal, pp. 301, 302, 308.

Read and

*Ordered*, That There be Granted to Widow & Children of y^e^ late Cap^t^ Phineas Stevens mentioned deceased Two hundred & fifty Acres of the unappropriated Lands belonging to y^e^ Province in the County of Hampshire in Consideration of his Services to this Governm^t^ for many Years from time to time before his decease; The Petitioner to take Care y^t^ said Lands be laid out by a Skilful Surveyor & Chain-Men, on oath & to return to this Court a Plan thereof for Confirmation in two years. [*Passed February 4.*

## CHAPTER 321.

VOTE THAT THIS GOVERNMENT RAISE 1,800 MEN ON ACCOUNT OF THE 4,000 MEN REQUIRED.

IN ANSWER to his Excellency the Right Hon^b^ y^e^ Earl of Loudoun's proposals to the Commissioners of the several Governments to raise four thousand men, to be employed in his Majesty's Service under his Lordships Command as General & Commander in Chief of his Majesty [1] Forces in North America, under such Limitations & Conditions as in his Lordship's proposals Mentioned,

Legislative Records of the Council, xxi., 389. Mass. Archives, lxxvi., 270.

*Ante*, p. 656, chap. 314.

*Voted* That this Government will raise eighteen hundred effective Men (part of y^e^ said four thousand Men including officers) for y^e^ service aforesaid to be raised in such Manner as this Court shall hereafter agree on.[2] [*Passed February 7.*

## CHAPTER 322.

VOTE THAT THE COMMITTEE TO RECEIVE PROPOSALS FROM THE EARL OF LOUDON CONFER WITH HIM IN REGARD TO WOOD AND BEDS FOR CASTLE WILLIAM.

Legislative Records of the Council, xxi., 390.

*Voted* That the Committee appointed to receive Proposals from the Right honourable the Earl of Loudoun &^c^ be directed to confer with his Lordship on the subject matter of the Message [in regard to wood and beds for the garrison at Castle William. See Legislative Records of the Council, xxi., 388.] from the honourable Board to the House of this Forenoon & report.[2] [*Passed February 8.*

Legislative Records of the Council, xxi., 388. Province Laws, iii., 1074, note. *Ante*, p. 644, chap. 284. *Supra*, chap. 321.

## CHAPTER 323.

ORDER TRANSFERRING SUNDRY APPROPRIATIONS.

*Ordered* That there be a transfer of the Sum of Two hundred & thirty five pounds eight shillings & fourpence, being the ballance of the appropriation for purchasing Fire Arms & of the Sum of

Legislative Records of the Council, xxi., 392.

[1] *Sic.*

[2] Not found in the House Journal.

House Journal, p. 314. Province Laws, iii., 899, chap. 29; 980, chap. 3.

fifteen hundred pounds from the Appropriation for Grants amounting in the whole to the Sum of Seventeen hundred & thirty five pounds eight shillings and four pence to the appropriation for Forts & Garrisons.

That there be a transfer of the Sum of One thousand pounds from the appropriation for the Commissary's disbursements to the Appropriation for debts where there is no Establishment. Also that there be a transfer of the Sum of fifteen hundred pounds from the Appropriation for Grants to the appropriation for the Pay of the General Court. And that the Treasurer be and he hereby is directed to conform himself accordingly. [*Passed February 8.*

## CHAPTER 324.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 393. Mass. Archives, lxxvi., 272.

Mass. Archives, lxxvi., 188. House Journal, p. 311.

*Ordered*, That there be allowed and paid out of y^e^ public Treasury to William Richardson Esq^r^ for y^e^ Use of Hannah Woods four pounds eight Shillings, To Cap^t^ Ebenezer Barker for the use of George Davis forty four Shillings, And to Cap^t^ Jabez Upham for the use of Benjamin Brooks thirty Shillings, in full Consideration of y^e^ Expences &c mentioned in their respective Petitions, in the Crown point Expedition in 1755. [*Passed February 8.*

## CHAPTER 325.

ORDER DIRECTING ELDAD TAYLOR ESQ^R^ TO RETURN DEED OF LAND PURCHASED WITH AN ACCOUNT OF HIS PROCEEDINGS, ALSO ORDER SUSPENDING FURTHER PROCEEDINGS.

Legislative Records of the Council, xxi., 393. Mass. Archives, xxxii., 756.

House Journal, p. 314. *Ante*, p. 576, chap. 114.

*Ordered*, That Eldad Taylor Esq^r^ who was appointed by this Court to see Justice done to y^e^ Indians in the Purchase which Jonathan Willard & others were allowed to make of a Tract of Land lying in the County of Hampshire, be directed to return the said Deed to this Court with an Acco^t^ of his proceedings therein Also

*Ordered*, That all further proceedings by said Willard & others in Consequence of said Licence be suspended till the further Order of this Court. [*Passed February 8.*

## CHAPTER 326.

VOTE APPOINTING A COMMITTEE FOR FARM^G^ OUT THE EXCISE ON STRONG LIQUORS IN SUFFOLK COUNTY.

Legislative Records of the Council, xxi., 393.

House Journal, p. 312. Province Laws, iii., 1071, note.

In the House of Representatives;

*Voted* that Jeremy Gridley & Samuel Miller Esq^rs^ with such as the Honourable Board shall join be a Committee to farm out the duties of Excise on spirituous Liquors in the County of Suffolk for the ensuing year.

In Council Read and concurred, & John Erving Esq^r^ is joined in the Affair. [*Passed February 8.*

## CHAPTER 327.

VOTE APPOINTING A COMMITTEE FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN ESSEX COUNTY.

In the House of Rep$^{s}$

*Voted*, That John Tasker Esq$^{r}$ & M$^{r}$ Dan$^{l}$ Staniford with such as the Honourable Board shall join be a Com$^{tee}$ to farm out y$^{e}$ Duties of Excise on spirituous Liquors in the County of Essex for the ensuing Year

In Council Read and Concur'd and Benjamin Lynde Esq$^{r}$ is joined in the Affair. [*Passed February 8.*

Legislative Records of the Council, xxi., 394. Mass. Archives, cxx., 173.

House Journal, p. 312. Province Laws, iii., 1071, note.

## CHAPTER 328.

VOTE APPOINTING A COMMITTEE FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN MIDDLESEX COUNTY.

In the House of Representatives

*Voted* that M$^{r}$ Henry Prentice & James Russell Esq$^{rs}$ with such as the honourable Board shall join be a Committee to farm out the duties of Excise on spirituous Liquors in the County of Middlesex for the ensuing year.

In Council Read and Concurred and William Brattle Esq$^{r}$ is joined in the Affair. [*Passed February 8.*

Legislative Records of the Council, xxi., 394.

House Journal, p. 312. Province Laws, iii., 1071, note.

## CHAPTER 329.

VOTE APPOINTING A COMMITTEE FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN HAMPSHIRE COUNTY.

In the House of Representatives

*Voted* that Israel Williams and Joseph Hawley Esq$^{rs}$ with such as the Honourable Board shall join be a Committee to farm out the duties of Excise on spirituous Liquors in the County of Hampshire for the ensuing year.

In Council Read and concurred and Eleazer Porter Esq$^{r}$ is joined in the Affair. [*Passed February 8.*

Legislative Records of the Council, xxi., 394.

House Journal, p. 312. Province Laws, iii., 1071, note.

## CHAPTER 330.

VOTE APPOINTING A COMMITTEE FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN WORCESTER COUNTY.

In the House of Representatives

*Voted* That Timothy Pain & William Richardson Esq$^{rs}$ with such as the honourable Board shall join be a Committee to farm out the duties of Excise on spirituous Liquors in the County of Worcester for the ensuing year.

In Council, Read and concurred and John Chandler Esq$^{r}$ is joined in the Affair. [*Passed February 8.*

Legislative Records of the Council, xxi., 394.

House Journal, p. 312. Province Laws, iii., 1071, note.

## CHAPTER 331.

VOTE APPOINTING A COMMITTEE FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN PLYMOUTH COUNTY.

Legislative Records of the Council, xxi., 394.

House Journal, p. 312. Province Laws, iii., 1071, note.

In the House of Representatives

*Voted* That Thomas Foster and Gamaliel Bradford Esq$^{rs}$ with such as the honourable Board shall join be a Committee to farm out the duties of Excise on spirituous Liquors in the County of Plymouth for the ensuing Year.

In Council Read and concurred & John Cushing Esq$^{r}$ is joined in the Affair. [*Passed February 8.*

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## CHAPTER 332.

VOTE APPOINTING A COMMITTEE FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN BARNSTABLE COUNTY.

Legislative Records of the Council, xxi., 394.

House Journal, p. 312. Province Laws, iii., 1071, note.

In the House of Representatives

*Voted* That James Otis and Roland Cotton Esq$^{rs}$ with such as the honourable Board shall join be a Committee to farm out the duties of Excise on spirituous Liquors in the County of Barnstable for the year ensuing.

In Council Read and concurred & Sylvanus Bourne Esq$^{r}$ is joined in the affair. [*Passed February 8.*

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## CHAPTER 333.

VOTE APPOINTING A COMMITTEE FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN BRISTOL COUNTY.

Legislative Records of the Council, xxi., 395.

House Journal, p. 313. Province Laws, iii., 1071, note.

In the House of Representatives

*Voted* That Samuel White Esq$^{r}$ & M$^{r}$ Thomas Maxy with such as the honourable Board shall join be a Committee to farm out the duties of Excise on spirituous Liquors in the County of Bristol for the ensuing Year.

In Council Read & concurred and George Leonard Esq$^{r}$ is joined in the Affair. [*Passed February 8.*

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## CHAPTER 334.

VOTE APPOINTING A COMMITTEE FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN YORK COUNTY.

Legislative Records of the Council, xxi., 395.

House Journal, p. 313. Province Laws, iii., 1071, note.

In the House of Representatives

*Voted* That John Bradbury Esq$^{r}$ & M$^{r}$ Benjamin Chadburn with such as the honourable Board shall join be a Committee to farm out the duties of Excise on spirituous Liquors in the County of York for the ensuing Year.

In Council Read & concurred & Richard Cutt Esq$^{r}$ is joined in the affair. [*Passed February 8.*

## CHAPTER 335.

VOTE APPOINTING A COMMITTEE FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN THE COUNTY OF DUKES COUNTY.

In the House of Rep$^{s}$

*Voted*, That John Norton Esq$^{r}$ & M$^{r}$ Gersh$^{m}$ Cathcart with such as the Honourable Board shall join be a Com$^{tee}$ to farm out the Duties of Excise on Spirituous Liquors in County of Dukes County for the ensuing Year

In Council Read & Concur'd and Zacheus Mayhew Esq$^{r}$ is joined in the Affair. [*Passed February 8.*

Legislative Records of the Council, xxi., 395. Mass. Archives, cxx., 173.

House Journal, p. 313. Province Laws, iii., 1071, note.

## CHAPTER 336.

VOTE APPOINTING A COMMITTEE FOR FARM$^{G}$ OUT THE EXCISE ON STRONG LIQUORS IN NANTUCKET COUNTY.

In the House of Representatives

*Voted* That Abishai Folger & Jonathan Coffin Esq$^{rs}$ with such as the honourable Board shall join be a Committee to farm out the duties of Excise on spirituous Liquors in the County of Nantuckett for the ensuing Year.

In Council Read and concurred and Josiah Coffin is joined in the Affair. [*Passed February 8.*

Legislative Records of the Council, xxi., 395.

House Journal, p. 313. Province Laws, iii., 1071, note.

## CHAPTER 337.

VOTE DIRECTING THE COMMISSARY GENERAL TO FURNISH BEDS FOR BARRACKS AT CASTLE ISLAND.

*Voted*, That the Commissary General be directed to furnish the Barracks now built on Castle Island with a sufficient Number of Beds for the Use of his Majesty's Forces that are or may be sent there. [*Passed February 9.*

Legislative Records of the Council, xxi., 396. Mass. Archives, lxxvi., 275.

Mass. Archives, lxxvi., 274. House Journal, p. 316. *Ante*, p. 586, chap. 138.

## CHAPTER 338.

ORDER DIRECTING THE REMOVAL OF CHARLES MIUS FROM PLYMOUTH TO WAREHAM, ETC.

A Petition of Charles Mius one of the late French Inhabitants of Nova Scotia, complaining of the great hardships which He & his Family suffer at Plymouth where they now reside, & of his being deprived of a barrell of Beef & six bushells of Salt, his own property, brought from Cape Sables and praying releif.

Read &

*Ordered*, That the Select-Men of y$^{e}$ Town of Plymouth be & hereby are directed to Assist y$^{e}$ Petitioner in settling y$^{e}$ affair of

Legislative Records of the Council, xxi., 396. Mass. Archives, xxiii., 305.

Mass. Archives, xxiii., 301, 304. House Journal, pp. 286, 292, 293, 315. Prov.

ince Laws, iii., 986, chap. 9; 1059, note. *Ante*, p. 529, chap. 2.

the Beef & salt mentioned, with M^r^ Thomson; And That y^e^ S^d^ Town have leave by their Select-Men to remove y^e^ Petitioner & his family to y^e^ Town of Wareham (who have not as yet received any of y^e^ late Inhab^ts^ of Nova Scotia,) & y^t^ y^e^ Select Men of s^d^ Town of Wareham be & hereby are directed to provide for them as the Law directs. [*Passed February 9.*

## CHAPTER 339.

ORDER ALLOWING £60 AND A FURTHER SUM OF £15 TO ROBERT BALLS.

Legislative Records of the Council, xxi., 397. Mass. Archives, lxv., 291.

A PETITION of Robert Balls Keeper of the Light house, praying an allowance for his Service the year past, & a reimbursment of the Sum of Fifteen pounds expended for fire wood.

Read and

Mass. Archives, lxv., 290. House Journal, p. 315.

*Ordered*, That there be allowed & paid out of y^e^ Public Treasury to y^e^ memorialist Robert Balls y^e^ Sum of Sixty Pounds in full Consideration for his Services as Keeper of y^e^ Light house for one year ending the 19^th^ of Nov^r^ last, & the further Sum of fifteen Pounds in discharge of his Acco^t^ of Fire Wood expended for the greater benefit of y^e^ Lights as Mentioned. [*Passed February 9.*

## CHAPTER 340.

ORDER ALLOWING £59.1 TO JOHN WORTHINGTON.

Legislative Records of the Council, xxi., 397. Mass. Archives, lxxvi., 217.

A PETITION of John Worthington Esq^r^ of Springfeild praying an Allowance of Fifty nine pounds one shilling expended in his Majesty's Service, occasioned by the impressing twenty nine Ox Teams by order of Gov^r^ Shirley and sent to Albany to be employed as the Earl of Loudoun should direct, in which Sum is included £28.0.4 the value of sundry Cattle and other Articles lost in the Service.

Mass. Archives, lxxvi., 217. House Journal, pp. 308, 310, 311.

Read, And

*Ordered*, That there be allowed & paid out of the public Treasury to y^e^ Petitioner, the Sum of fifty Nine Pounds One Shilling to be by him [paid][1] to y^e^ parties interested agreeable to the Acco^t^ annexed. [*Passed February 9.*

## CHAPTER 341.

ORDER IMPOWERING JOHN WORTHINGTON, ESQ., TO PUT JOSEPH LEE, ESQ., IN POSSESSION OF HIS LAND, ETC

Legislative Records of the Council, xxi., 378, 397.

A PETITION of Joseph Lee, Esq^r^ Shewing That in the year 1754 He purchased a Tract of Land of the Government, that when he came to take possession he found a number of Persons settled upon it, that he was willing they should continue on said Lands upon reasonable terms, but they refuse either to purchase or attorn Tenants therefore praying the said persons may be removed off from

House Journal, pp. 303, 317. *Ante*, p. 183, chap. 35.

[1] Inserted from Legislative Records of the Council, xxi., 397.

said Land that he may peaceably enjoy the same & further that the Bounds of a Grant formerly made to the Town of Hadley adjoining to this purchase may be ascertained.

[Report of committee] Read and accepted &

*Ordered* that John Worthington Esq[r] be directed & impowered, & he is hereby impowered to pursue such measures in the Law as may be effectual to remove all persons who had taken possession of any part of the Province Lands sold to the Petitioner Joseph Lee Esq[r] & to put him into quiet possession of the Same. And the said John Worthington Esq[r] is likewise directed & impowered to employ a Surveyor to ascertain the Grant of five hundred Acres heretofore made by this Court to the Town of Hadley, & return a plan thereof to the Court. [*Passed February 9.*

## CHAPTER 342.

VOTE DIRECTING THE PROVINCE TREASURER TO ALLOW COL[o] ABRAHAM WILLIAMS THE BOUNTY HE PAID MARSHALL NEWTON.

WHEREAS it is represented to this Court by Col[o] Abraham Williams of Malborough, that by order of this Court he inlisted one Marshall Newton (among sundry other Soldiers) into his Majesty's Service, & received the Bounty money for said Soldiers of the Treasurer and gave his bond to account with the Treasurer for such Sum. Legislative Records of the Council, xxi., 398. House Journal, pp. 316, 317.

And as the said Marshall was afterwards commissioned as an Officer in said Service, the Treasurer refuses to make Col[o] Williams Allowance in his said account for the Bounty paid said Marshall

Therefore

*Voted* That the Treasurer be directed to make Allowance to said Williams for the Bounty paid said Marshall & give him credit on his Bond therefor, his being afterwards made an Officer notwithstanding. [*Passed February 9.*

## CHAPTER 343.

ORDER GRANTING TO WRESTLING BREWSTER, JUN[R] LIBERTY TO APPEAL FROM A JUDGMENT.

A PETITION of Wrestling Brewster jun[r] of Kingston Shewing that on the 6[th] day of Jan[y] Inst[t] he was taken by a Warrant from Samuel Bartlet Esq[r] & carried before said Justice to make answer to the complaint of Robert Foster of said Kingston for lying, libelling, & defaming said Robert, That he that [1] said Wrestling was upon trial fined by said Justice, whereupon he desired liberty of Appeal to the Court of Sessions, but was denied. Therefore praying he may be allowed an Appeal, or otherwise releived. Legislative Records of the Council, xxi., 360. Mass. Archives, xliv., 334. Mass. Archives, xliv., 333. Legislative Records of the Council, xxi., 398. House Journal, pp. 280, 317.

Read together with the Answers and other Papers accompanying the same and thereupon

*Ordered* that the Prayer of the Petition be granted and that the Pet[r] be and he hereby is allowed An appeal from the Judgement of Samuel Bartlet Esq[r] on the Action within mentioned to the Next Court of General Sessions of the Peace to be held for the County

[1] *Sic.*

of Plimouth and the Justices of the said Court are hereby impowered & directed to hear and try the same & to enter up Judgement thereon in as full and ample manner as tho the said appeal had been claimed and granted as the Law directs. [*Passed February 10.*

## CHAPTER 344.

ORDER ALLOWING 22/10 TO JONATHAN BARTLETT.

Legislative Records of the Council, xxi., 399. Mass. Archives, lxxvi., 248.

A PETITION of Jonathan Bartlett of Springfield praying an allowance for the charge of bringing his Son, a Soldier in the Crown Point Expedition, taken sick at Albany, from thence to Springfeild.

Mass. Archives, lxxvi., 247. House Journal, p. 317.

Read &

*Ordered*, That there be allowed to y^e^ Petitioner the Sum of Twenty two Shillings & ten pence, & that y^e^ Same be paid out of y^e^ public Treasury for his use to John Worthington Esq^r^ in full Consideration for his Expences Mentioned on Acc^o^ of his Sons Sickness whilest in the Service on y^e^ Expedition against Crown-point in y^e^ Year 1755. [*Passed February 10.*

## CHAPTER 345.

Legislative Records of the Council, xxi., 399. Mass. Archives, lxxvi., 278.

RESOLVE THAT CAPTAINS WHO DID NOT COMPLETE THEIR COMPANIES SHALL NOT RECEIVE WAGES ACCORDING TO THE ESTABLISHMENT.

*Ante*, p. 454, chap. 316.

*Resolved*, That the Officers of the Companies in the late Expedition against Crown-point Who did not raise a Compleat Company of fifty Men Shall not be intitled to y^r^ Wages According to the Establishm^t^.[1] [*Passed February 10.*

## CHAPTER 346.

ORDER DIRECTING THE COMMISSARY GENERAL TO FURNISH BLANKETS FOR THE BARRACKS AT CASTLE WILLIAM.

Legislative Records of the Council, xxi., 400. Mass. Archives, lxxvi., 285.

*Ordered* that the Commissary General be directed to furnish the Barracks lately built at Castle William with Blanketts as well as Beds for the use of such of his Majestys Forces as are or may be sent thither, He taking a Certificate from one or more of the Principal Officers who may have the immediate Command of them that such things have been received and that he lodge a Copy thereof with the Lieutenant of Castle William who is hereby directed to receive and take Account of all the Province Stores which may be left in said Barracks, in the presence of some of said Officers, when the Forces shall quit the Barracks. [*Passed February 12.*

House Journal, p. 322. *Ante*, p. 663, chap. 337.

[1] Not found in the House Journal.

## CHAPTER 347.

VOTE GRANTING THE PROTECTION OF THIS GOVERNMENT TO Mr HENRY LEDDEL.

Whereas it is represented to this Court That Mr Henry Leddel of Boston who was Secretary to General Winslow in the late Expedition against Crown point will be wanted to attend on the Committees of the General Court appointed to make enquiry into any Frauds on this Government & for ye Muster Rolls, And on General Winslow, & the Commissary General for their information in public Matters

Legislative Records of the Council, xxi., 401. Mass. Archives, lxxvi., 283.

House Journal, pp. 321, 322. *Ante*, p. 652, chap. 304.

And Whereas the said Leddel is in Danger of having his person exposed to Writts & Executions from his Creditors &c: There fore

*Voted*, That the said Henry Leddel be granted the Protection of this Government for ye aforesaid Purposes in the Town of Boston untill ye first day of April next; And such Protection for said definite Time shall be as good & Valid to all Intents & purposes, as any protection from ye Common Law, and the Service of any Writt Execution or other Civil process there on said Leddel, during the Continuance of such Protection, shall be, and hereby is declared void, and the Officer arresting him shall upon the Sight of a Copy of this Order Signed by the Secretary of the Province discharge him from such Arrest. [*Passed February 12.*

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## CHAPTER 348.

VOTE IN REGARD TO THE PAY OF THE OFFICERS IN THE LATE CROWN POINT EXPEDITION.

Legislative Records of the Council, xxi., 402. Mass. Archives, lxxvi., 286.

*Voted*, That the Officers who were in the Service on ye Crown Point Expedition the last year shall be paid off their wages according to Establishment, The Resolve of the 10th Inst notwithstanding.[1] [*Passed February 12.*

*Ante*, p. 454, chap. 316. *Supra*, chap. 345.

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## CHAPTER 349.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMG EXCISE ON TEA, COFFEE, ETC. FOR THE COUNTY OF WORCESTER AND ALLOWING 18/8 FOR THE EXPENSE THEREOF.

The Comitte appointed to farm out the Duties of Excise upon Tea Coffee and China Ware in the County of Worcester for one year from the first of November Last did on the first of February 1757 being the Time advertised for that Purpose attend that Service, and Contracted with mr Caleb Richardson therefor for the sum of Seven pounds Ten shillings he being the Highest Bidder. & have Taken bond of sd Richardson with Sureties as the Law Directs & Delivered the same To the Province Treasurer.

℔ order of ye Comitte John Chandler

Legislative Records of the Council, xxi., 402. Mass. Archives, cxx., 173.

House Journal, p. 320. *Ante*, p. 613, chap. 207.

[1] Not found in the House Journal.

Read and Accepted, And

*Ordered*, That there be allowed and paid out of the public Treasury to the said Committee the sum of Eighteen Shillings & eight pence in discharge of their Account of Time & Expences exhibited. [*Passed February 12.*

## CHAPTER 350.

ORDER DIRECTING THE SECRETARY TO WRITE TO AGENT BOLLAN IN BEHALF OF PERSONS TAKEN CAPTIVE AT OSWEGO.

Legislative Records of the Council, xxi., 403.

Mass. Archives, xxi., 594. House Journal, pp. 318, 324.

WHEREAS a considerable number of Carpenters & Others Inhabitants of this Province were taken Captives at Oswego & carried to Canada, & probably may have been sent to England to be exchanged. Therefore

*Ordered*, That the Secretary write to M^r^ Agent Bollan & acquaint him with the Peculiar Circumstances of these persons & direct him to use his endeavours that they may be sent back to their Families & Friends in New England at the Charge of the Crown. [*Passed February 14.*

## CHAPTER 351.

Legislative Records of the Council, xxi., 403. Mass. Archives, xxiii., 348.

Mass. Archives, xxiii., 454, 455. Legislative Records of the Council, xxi., 265. House Journal, p. 324. Province Laws, iii., 1059, note. *Ante*, p. 529, chap. 2; p. 572, chap. 105.

VOTE APPOINTING A COMMITTEE TO CONFER WITH GOV^R^ LAWRENCE.

In the House of Rep^rs^

*Voted* That Judge Russell, M^r^ Gridley, & M^r^ Bradbury, with such as shall be joined by the Honourable Board, be a Committee to Confer with his Excell^y^ Governor Lawrence in order to y^e^ Obtaining a reimbursement of the Charges this Province have been at in Supporting y^e^ Inhabitants of Nova-Scotia, As well those who were immediately ordered here by that Government as those who arrived here from some of his Majesty's Southern Governm^ts^ & report.

In Council

Read & Concur'd & Jn^o^ Erving & W^m^ Brattle Esq^rs^ are joined in the affair. [*Passed February 14.*

## CHAPTER 352.

ORDER GRANTING WILLIAM STANLEY LIBERTY TO REVIEW AN ACTION.

Legislative Records of the Council, xxi., 329. Mass. Archives, xliv., 324.

Mass. Archives, xliv., 323. Legislative Records of the Council, xxi., 404. House Journal, pp. 245, 318, 328.

A PETITION of William Stanley of Kittery shewing that he brought an Action upon a written promise against Moses Wittum of said Kittery to the Inferior Court of Common pleas held at York on the second Tuesday of July, 1756; that after the Plea was given & issue joined the written evidence of the promise declared upon, which he expected was in his Attorneys hands could not be found, whereupon the Verdict was against him; he therefore claim'd an Appeal, but his Attorney neglected to recognize for him, whereby he is debarr'd from having any tryal upon the evidence of his cause without the Aid of this Court. there-

fore praying he may be enabled either to reveiw his said Action at the Inferior Court of Common Pleas for the County of York, or to bring forward an Appeal to the Superiour Court of Judicature for the said County, or that he be otherwise releiv'd.

Resolved &

*Ordered* that William Stanly have liberty to review the action He commenced at the last Inferiour Court of Common Pleas held at york in & for the County of york on the second tuesday of July last against moses Wittum at the next Inferiour Court of Common Pleas to be holden at york aforesaid on the first tuesday of April next And the Justices of s[d] Court be & hereby are as fully impowred then & there to hear try & determine s[d] Action, give judgment & award execution thereon as if the same was then to originate or as they might have done had the late law of the Province for Reviews in the Inferiour Courts of common Pleas been in force. [*Passed February 15.*

## CHAPTER 353.

### VOTE ESTABLISHING WAGES OF THE OFFICERS AND SOLDIERS OF THIS GOVERNMENT.

*Voted*, That y[e] following Establishment be made of Wages for Officers & Soldiers, to be Employed in his Majesty's Service under the Command of the right hon[l] y[e] Earl of Loudoun, Commander in Chief of his Majesty's Forces in North America, viz[t]

Legislative Records of the Council, xxi., 411. Mass. Archives, lxxvi., 292.

House Journal, p. 327. Province Laws, iii., 1077, note.

| | | | | |
|---|---|---|---|---|
| For One Colonel | £18. | | | ℔ month |
| For 2 Lieu[t] Colonels each | 15. | | | Ditto |
| For 2 Majors each | 12. | | | Ditto |
| For 17 Captains each | 8. | | | Ditto |
| For 17 first Lieutenants & 17. 2[nd] Lieutenants each | 5. | | | Ditto |
| For 17 Ensigns each | 3. | 10. | | Ditto |
| For 2 Chaplains each | 6. | 8. | | Ditto |
| For two Chirurgeons each | 10. | | | Ditto |
| For 2 Chirurgeons Mates each | 5. | 6. | 8. | Ditto |
| For each Serjeant | 2. | 3. | 1 | Ditto |
| For each Corporal | 1. | 18. | 7 | Ditto |
| For each Drummer | 1. | 18. | 7 | Ditto |
| For each Private Soldier | £1. | 16. | | ℔ month |
| For a Commissary | 8 | | | Ditto |

[*Passed February 16.*

## CHAPTER 354.

### ORDER GRANTING TO SAMUEL PITCHER LICENCE TO SELL STRONG DRINK.

A PETITION of Samuel Pitcher of Attleborough in the County of Bristol, Praying that the Court of General Sessions of the Peace to be holden at Taunton in said County on the second Tuesday of March next may be impowered to grant him a License to retail spirituous Liquors at his House in Attleborough aforesaid; he having been approbated by the Selectmen for that purpose.

Legislative Records of the Council, xxi., 412. Mass. Archives, cxi., 398.

Mass. Archives, cxi., 397. House Journal, p. 331.

Read and

*Ordered*, That y[e] Prayer of this Petition be granted, And that y[e] Justices of said Court of General Sessions of y[e] peace be & hereby

are impowered to licence y^e^ Petitioner as a retailer of Spirituous Liquors in said Town if they See fitt at y^r^ next Term, he producing y^e^ Approbation of y^e^ Select Men of Said Town for that purpose. [*Passed February 16.*

## CHAPTER 355.

ORDER CONFIRMING VOTE OF NORTH PRECINCT OF HARWICH.

Legislative Records of the Council, xxi., 412. Mass. Archives, lxxvi., 226.

Mass. Archives, lxxvi., 225. House Journal, pp. 326, 330.

A PETITION of Barnabas Freeman & Others a Committee of the North Precinct in Harwich Shewing that the said Precinct at their Meetings on the 30^th^ of April & 14 of June 1756 voted to raise Eighty pounds in order to hire nine men required of them for the Crown Point Expedition, in consequence of which the Precinct Treasurer & others have borrowed the Sum of Sixty pounds & hired six of said men therewith: but as some doubt may arise concerning the legality of the Proceedings of the Precinct in this Affair They pray for an Order of this Court to establish the same.

Read and

*Ordered*, That y^e^ Prayer of this Petition be so far granted, as That y^e^ Vote of Said Precinct at their meeting therein mentioned for raising the sum of Eighty Pounds & Assessing y^e^ Inhabitants therefor, be And hereby is rendered valid & Effectual in Law, & that y^e^ Constable of s^d^ Town hereby is required to Collect y^e^ same according to y^e^ Assessments delivered to him & to pay it to the precinct Treasurer, and That y^e^ Petitioners are hereby fully impowered to draw y^e^ same out of y^e^ said precinct Treasury for y^e^ purposes Mentioned in y^e^ Petition. [*Passed February 16.*

## CHAPTER 356.

Legislative Records of the Council, xxi., 414. Mass. Archives, lxxvi., 305.

VOTE ALLOWING £5. 8 PER MONTH TO CAPTAINS IN SERVICE ON THE LATE CROWN POINT EXPEDITION.

House Journal, pp. 315, 334. *Ante*, p. 455, chap. 318; p. 666, chap. 345; p. 667, chap. 348.

*Voted* That the several Cap^ts^ in the service on the Expedition against Crown-point the last Year shall be intitled to five pounds eight shillings ℔ month wages, & allowed to make up their muster Rolls Accordingly any Vote to y^e^ Contrary Notw^th^ Stand^g^. [*Passed February 17.*

## CHAPTER 357.

ORDER IMPOWERING THE OVERSEERS OF THE POOR OF SALEM TO REMOVE FRENCH NEUTRALS TO DIVERS TOWNS.

Legislative Records of the Council, xxi., 414. Mass. Archives, xxiii., 314.

Mass. Archives, xxiii., 313.

A MEMORIAL of Benjamin Pickman Esq^r^ by order of the Overseers of the Poor of the Town of Salem Shewing that twelve of the French Nova Scotians were at first placed in the Town of Salem, & since that Twenty more who came from Cape Sables, & being well acquainted with Boats and Vessels, there is great hazard of their running away with some of them And further representing

that they are supported at a greater expence at Salem than they would be in some other Towns of the Province Therefore praying that they may be removed.

House Journal, pp. 320, 335. Province Laws, iii., 1059, note. *Ante*, p. 529, chap. 2.

Read and

*Ordered*, That y^e^ Overseers of y^e^ Poor of the Town of Salem, be and hereby are allowed & impowered at the Charge of the Province to remove the late Inhabitants of Nova Scotia, who have been placed there, by Order of this Court or of his Majesty's Council, from Said Town to y^e^ Towns & in the proportion following, Viz^t^ seven to Hopkingston, five to Southborough & Eight to Tewksbury, And That y^e^ Select Men of said Towns be & hereby are directed to support y^e^ said Inhabitants late of Nova Scotia in the manner as is directed by the Laws in that Case made & provided, And that the twelve of said Inhabitants who were first ordered to Said Town of Salem, be removed to y^e^ Town of Sturbridge to be under the Care & direction of Moses Marcy Esq^r^ who is hereby directed to provide for & support them Accordingly, at as small expence to the public as may be. [*Passed February 17.*

## CHAPTER 358.

### VOTE THAT THE BOUNTY MONEY FOR SOLDIERS BE PAID TO THE COLONELS OR CHIEF COMMANDING OFFICERS.

*Voted*, That the Bounty Money for inlisting Men into his Majesty's Service shall be paid by the Treasurer to the Colonels or chief Commanding Officers of each Regiment within this Province according to the Number of Men that shall be assigned them respectively to raise at six Dollars for each Man to be by them paid to such persons as shall enlist into said Service on or before the 21^st^ of March next, and pass muster for effective[s] by the Commissarys of y^e^ musters that shall be appointed by his Hon^r^ the Lieu^t^ Governor for that purpose, the said Colonel or Chief Officer to cause to be lodged in the Secretarys Office an Account of the disposition of such monys by them respectively received & to pay the balances that may remain into the Province Treasury within one month after the 22^d^ of March next. [*Passed February 18.*[1]

Legislative Records of the Council, xxi., 413. Mass. Archives, lxxvi., 314, 315.

House Journal, p. 329. Province Laws, iii., 1078, note.

## CHAPTER 359.

### ORDER IN REGARD TO SUPPLYING WOOD & CANDLES FOR THE FORCES AT CASTLE WILLIAM.

Whereas in Consequence of an Application made to his Majesty's Council upon the Arrival of y^e^ Remains of Maj^r^ Gen^l^ Shirleys & Maj^r^ Gen^l^ Pepperells regiments in the Town of Boston the Barracks at Castle W^m^ were order^d^ to be provided with as Many Beds as were necessary for the Forces, & Wood & Candles were also provided until the Gen^l^ C^rt^ should take further Order therein, or until the Earl of Loudouns Arrival in y^e^ Province, & Whereas the present Circumstances of y^e^ Colonies render it necessary that Part of his Maj-

Legislative Records of the Council, xxi., 415. Mass. Archives, lxxvi., 309.

House Journal, pp. 335, 336. *Ante*, p. 663, chap. 337; p. 666, chap. 346.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 17.

estys Regular Forces should be employ$^{d}$ for their Protection, & this Court have already ordered Beds & Blankits to be provided for y$^{e}$ Use of said Barracks so Long as it shall be necessary that any of the s$^{d}$ Forces be Continued there, & being willing to give still further Evidence of their Zeal for his Majestys service & the Protection of his Colonies

It is hereby further

*Ordered* That Wood & Candles be allow$^{d}$ at the Charge of this Governm$^{t}$ for y$^{e}$ use of the Forces that are or may be placed in S$^{d}$ Barracks until the season of the Year when they shall encamp, & that the Allowance of Wood from y$^{e}$ governm$^{t}$ be one Half Cord ℔ Week for each Fire, the Number of Fires to be proportion$^{d}$ to the Number of Men which Each Room in said Barracks is capable of containing, & as the number may Increase from Time to Time additional allowance to be made accordingly until the several Rooms in y$^{e}$ Barracks now built there, be filled & no further. [*Passed February 18.*

## CHAPTER 360.

### ORDER ALLOWING £10 TO JOHN BROCK.

Legislative Records of the Council, xxi., 416. Mass. Archives, lxxvi., 304.

House Journal, p. 339.

A PETITION of John Brock, second Gunner at his Majesty's Castle William, setting forth that for many years he had served as the only Gunner at said Castle but his Majesty's Service & the importance of that Garrison requiring that there should be more than one Gunner in time of War, he consented to serve as second Gunner, whereupon his Wages have been reduced from £33.6.8 to £30 ℔ Annum therefore praying for an augmentation of his pay, or that he may be otherwise releived.

Read And

*Ordered*, That there be allowed and Paid out of the Public Treasury to the Pet$^{r}$ John Brock the sum̃ of Ten pounds as a Gratuity in Consideration of his long & faithful Services. [*Passed February 18.*

## CHAPTER 361.

### ORDER GRANTING TO THOMAS PEARSON LICENCE TO KEEP AN INN.

Legislative Records of the Council, xxi., 416. Mass. Archives, cxi., 396.

Mass. Archives, cxi., 395. House Journal, p. 335.

A PETITION of Thomas Pearson praying that the Justices of the Court of General Sessions of the Peace for the County of Essex may be impowered to grant him a license to keep a house of Public Entertainment at Amesbury Ferry.

Read and

*Ordered* That the Prayer of this Petition be so far granted as that the Justices of the Court of General Sessions of y$^{e}$ peace for said County be & hereby are impowered at their next Term to grant y$^{e}$ Petitioner a licence (if they See cause) to keep an house of public Entertainment in said Town, he first Obtain$^{g}$ the approbation of y$^{e}$ Select men of s$^{d}$ Town, the time for granting Licences being Elapsed notwithstanding. [*Passed February 18.*

## CHAPTER 362.

VOTE ESTABLISHING THE WAGES OF JOHN BROCK.

*Voted*, That the Commanding officer at his Majesty's Castle William in making up the Muster Rolls of the Garrison there, be allowed and directed to carry out the Wages of John Brock second Gunner at the rate of thirty three pounds six Shillings & eight pence ℔ Year. [*Passed February 18.*

Legislative Records of the Council, xxi., 417. Mass. Archives, lxxvi., 311.

House Journal, p. 339. *Ante*, p. 672, chap. 360.

## CHAPTER 363.

ORDER ALLOWING £750 TO THE JUSTICES.

*Ordered*, That the Sum of Seven hundred and fifty Pounds be granted and paid out of the publick Treasury, to the honourable Justices of the Superiour Court of Judicature, Court of Assize and General Goal Delivery, for their Service for one Year, ending the first of January last. [*Passed February 18.*

Legislative Records of the Council, xxi., 417. Mass. Archives, xliv., 357.

House Journal, p. 336.

## CHAPTER 364.

ORDER ALLOWING £40 TO THE CHIEF JUSTICE.

*Ordered*, That the Sum of Forty Pounds be granted and paid out of the publick Treasury to the honourable Stephen Sewall, Esq$^{r}$ in Consideration of his faithful Discharge of the important Trust reposed in him as chief Justice, and for his further Encouragement therein. [*Passed February 18.*

Legislative Records of the Council, xxi., 417. Mass. Archives, xliv., 356.

House Journal, p. 336.

## CHAPTER 365.

ORDER ALLOWING £250 TO THE PRESIDENT OF HARVARD COLLEGE.

*Ordered*, That the Sum of Two Hundred and fifty Pounds be granted and allowed to be paid out of the publick Treasury to the Rev: M$^{r}$ Edward Holyoke, President of Harvard-College, over and above the Rents of Massachusetts-Hall, for one Year, ending the tenth Day of September next, to be paid quarterly. [*Passed February 18.*

Legislative Records of the Council, xxi., 417. Mass. Archives, lviii., 427.

House Journal, p. 336.

## CHAPTER 366.

ORDER ALLOWING £100 TO THE PROFESSOR OF DIVINITY AT HARVARD COLLEGE.

Legislative Records of the Council, xxi., 417. Mass. Archives, lviii., 427.

House Journal, p. 337.

*Ordered*, That there be granted and allowed to be paid out of the publick Treasury to the Rev: Dr Edward Wigglesworth, Hollisian-Professor of Divinity at Harvard-College in Cambridge, the Sum of One Hundred Pounds, as a Gratuity, in Consideration of his faithful Discharge of the great and important Trust reposed in him; and for his further Encouragement therein. [*Passed February 18.*

## CHAPTER 367.

ORDER ALLOWING £90 TO THE PROFESSOR OF MATHEMATICKS AT HARVARD COLLEGE.

Legislative Records of the Council, xxi., 418. Mass. Archives, lviii., 428.

House Journal, p. 337.

*Ordered*, That there be granted and allowed to be paid out of the publick Treasury to John Winthrop, Esqr Hollisian-Professor of the Mathematicks and natural Philosophy at Harvard-College in Cambridge, the Sum of ninety Pounds, as a Gratuity, in Consideration of his faithful Discharge of that Trust reposed in him; and for his further Encouragement therein. [*Passed February 18.*

## CHAPTER 368.

ORDER ALLOWING £18 TO THE HEBREW INSTRUCTOR AT HARVARD COLLEGE.

Legislative Records of the Council, xxi., 418. Mass. Archives, lviii., 428.

House Journal, p. 337.

*Ordered*, That there be granted and allowed to be paid out of the publick Treasury to Mr Judah Monis, Hebrew-Instructor at Harvard-College in Cambridge, the Sum of Eighteen Pounds, as a Gratuity, in Consideration of his faithful Discharge of that Trust reposed in him, and for his further Encouragement therein. [*Passed February 18.*

## CHAPTER 369.

ORDER ALLOWING £50 TO EXECUTORS OF THE LATE SECRETARY WILLARD.

Legislative Records of the Council, xxi., 418. Mass. Archives, xix., 568.

House Journal, p. 337.

*Ordered* That the Sum of Fifty Pounds be granted and allowed to be paid out of the publick Treasury in to the Hands of the Executors of the last Will and Testament of the honourable Josiah Willard, Esqr Deceased; late Secretary of this Province, in full for his Service to the Time of his Decease, to be disposed of as his personal Estate, agreable to his last Will. [*Passed February 18.*

## CHAPTER 370.

ORDER ALLOWING £92 ADDITIONAL TO THE EXECUTORS OF THE LATE SECRETARY WILLARD.

*Ordered*, That the Sum of Ninety two Pounds be granted and allowed, to be paid out of the publick Treasury into the Hands of the Executors of the last Will and Testament of the honourable Josiah Willard, Esq$^{r}$ Deceased; late Secretary of this Province in Consideration of his extraordinary Services, to the Time of his Decease, to be disposed of as his personal Estate, agreable to his last Will. [*Passed February 18.*

Legislative Records of the Council, xxi., 418. Mass. Archives, l., 16.

House Journal, p. 337.

*Supra*, chap. 369.

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## CHAPTER 371.

ORDER ALLOWING £267 TO THE TREASURER.

*Ordered* That the Sum of Two hundred & sixty-seven pounds be granted & allowed to be paid out of the Public Treasury to Harrison Gray Esq$^{r}$ Treasurer & Receiver General of his Majestys Revenues of this Province for a years Service ending the 23$^{d}$ day of December last. [*Passed February 18.*

Legislative Records of the Council, xxi., 419.

House Journal, p. 337.

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## CHAPTER 372.

ORDER ALLOWING £150 TO THE COMMISSARY GENERAL.

*Ordered*, That there be granted and allowed to be paid out of the publick Treasury the Sum of One Hundred and fifty Pounds to y$^{e}$ hon$^{l}$ John Wheelwright, Esq$^{r}$ Commissary-General, for his Service in that Office for one Year. [*Passed February 18.*

Legislative Records of the Council, xxi., 419. Mass. Archives, lxxvi., 307.

House Journal, p. 337.

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## CHAPTER 373.

ORDER ALLOWING 4/ PER DIEM TO THE SPEAKER OF THE HOUSE.

In the House of Rep$^{ves}$

*Ordered*, That there be granted and allowed to be paid out of the publick Treasury the Sum of Four Shillings per Diem, to the honourable Thomas Hubbard, Esq$^{r}$ Speaker of the House, for every Day of his Attendance in the General Court, from the opening of the Session on the 26$^{th}$ Day of May 1756, over and above his Pay as a Member of this House.

In Council Read & Concurd. [*Passed February 18.*

Legislative Records of the Council, xxi., 419. Mass. Archives, l., 12.

House Journal, p. 337.

## CHAPTER 374.

ORDER ALLOWING £75 TO THE CLERK OF THE HOUSE.

Legislative Records of the Council, xxi., 419. Mass. Archives, l., 15.

House Journal, p. 338.

*Ordered*, That there be granted and allowed to be paid out of the publick Treasury the Sum of Seventy five Pounds to Henry Gibbs, Esq[r] Clerk of the House of Representatives, for his Service during the several Sessions of the General Court the Current Year. [*Passed February 18.*

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## CHAPTER 375.

ORDER ALLOWING £6 TO THE CHAPLAIN TO THE BOARD.

Legislative Records of the Council, xxi., 419. Mass. Archives, xiv., 4.

House Journal, p. 338.

*Ordered*, That there be allowed and paid out of the publick Treasury the Sum of Six Pounds to the Rev. M[r] Jeremy Condy, Chaplain to the honourable Board the current Year. [*Passed February 18.*

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## CHAPTER 376.

ORDER ALLOWING £6 TO THE CHAPLAIN TO THE HOUSE.

Legislative Records of the Council, xxi., 419. Mass. Archives, xiv., 6.

House Journal, p. 338.

*Ordered*, That there be allowed and paid out of the publick Treasury the Sum of Six Pounds to the Rev. M[r] Ebenezer Pemberton, Chaplain to the House of Representatives, the current Year. [*Passed February 18.*

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## CHAPTER 377.

ORDER ALLOWING £40 TO THE CHAPLAIN AT CASTLE WILLIAM.

Legislative Records of the Council, xxi., 420. Mass. Archives, xiv., 5.

House Journal, p. 338.

*Ordered*, That there be granted and allowed to be paid out of the publick Treasury to M[r] John Phillips, Chaplain of his Majesty's Castle William, the Sum of Forty Pounds, as a Gratuity for his Service in that Trust for one Year. [*Passed February 18.*

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## CHAPTER 378.

ORDER ALLOWING £50 TO LIEU[T] JOHN LARRABEE, OF CASTLE WILLIAM.

Legislative Records of the Council, xxi., 420. Mass. Archives, lxxvi., 306.

House Journal, p. 338.

*Ordered*, That there be allowed and paid out of the publick Treasury the Sum of Fifty Pounds, to John Larrabee, Lieut[t] of his Majesty's Garrison at Castle William, in Consideration of his faithful Discharge of that Trust reposed in him. [*Passed February 18.*

## CHAPTER 379.

ORDER ALLOWING £60 AND A FURTHER SUM OF £40 TO THE DOOR KEEPER.

*Ordered*, That there be allowed and paid out of the publick Treasury the Sum of Sixty Pounds to William Baker, Door-keeper to his Honour the Lieutenant Governour and this Court, for his Service for one Year, to be paid quarterly: And also the further Sum of Forty Pounds in Consideration of his Expence in hiring Assistance, and extraordinary Care and Trouble as Doorkeeper. [*Passed February 18.*

Legislative Records of the Council, xxi., 420. Mass. Archives, l., 14.

House Journal, p. 338.

## CHAPTER 380.

VOTE ALLOWING £300 TO THE LIEUT GOVERNOR.

*Voted*, That there be allowed and paid out of the Public Treasury to the Honourable Spencer Phips Esq^r^ Lieu^t^ Governor & Commander in Chief of the Province the Sum of three hundred Pounds in Consideration of his past services, & further to enable him to Carry on the Affairs of the Government. [*Passed February 18.*[1]

Legislative Records of the Council, xxi., 420. Mass. Archives, l., 13.

Legislative Records of the Council, xxi., 432. House Journal, p. 341.

## CHAPTER 381.

VOTE DESIRING THE LIEUT. GOVERNOUR TO APPOINT A PERSON TO TAKE ACCOUNT OF ALL THE PROVINCE ARMS, ETC.

IT BEING of great importance that an exact & seasonable knowledge be had of the State & circumstances of the fire Arms that were purchased & imported by this Government as well as of the Kings Arms that were delivered for the Service of the Forces last year: Therefore

*Voted* that his Honour the Leiutenant Governor be desired to employ some suitable person to repair to Albany & to take an account of all the arms & stores belonging to the Province that have been lodged there, or at any of the places adjacent or that have been lodged with any of the Officers of his Majesty's Forces by any of the Soldiers in the pay of this Government, & to make application to such Officers that such Arms & Stores may be delivered for the use of this Government.

And the person so employed is hereby impowered to seize & take into his Possession all Arms which have the Tower Mark; & all Arms that have been imported by the Government in any part of the Province where they may be found, such only excepted as shall have been lodged with any Persons by order of Court in order to their being sent to the Commissary General & the said person is hereby directed to keep an account of all the Arms aforesaid & cause the same to be laid before the Leiutenant Governor as soon as may be. Provided always that such Sums shall be paid out of the publick Treasury to any Persons who may have purchased any of the aforesaid Arms as shall be equitable. [*Passed February 18.*

Legislative Records of the Council, xxi., 422.

Mass. Archives, lxxvi., 312.

House Journal, pp. 338, 339.

*Ante*, p. 514, chap. 461; p. 652, chap. 303.

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 22.

## CHAPTER 382.

VOTE ESTABLISHING THE WAGES OF OFFICERS & SEAMEN ON BOARD Y^E PROVINCE VESSELS.

Legislative Records of the Council, xxi., 422. Mass. Archives, lxv., 298.

House Journal, p. 334. Province Laws, iii., 1064, note. *Ante*, p. 608, chap. 194.

*Voted*, That there be the following Establishment of Wages made, for the Officers and Sea men to be employed in the Service of the Province, on Board the Vessels now building for guarding the Coast. Viz^t

| | £ | s. | | |
|---|---|---|---|---|
| For a Captain | 8. | | p^r Month. | |
| For a Lieutenant | 5. | | Ditto. | |
| For a Master | 4. | | Ditto. | |
| For a Pilot | 4. | | Ditto. | |
| For a Doctor | 3. | 10. | Ditto. | |
| For a Chaplain | 3. | 10. | Ditto. | |
| For a Mate | 3. | | Ditto. | |
| For a Carpenter | 3. | | Ditto. | |
| For a Gunner | 3. | | Ditto. | |
| For a Boatswain | 3. | | Ditto. | |
| For a Cooper | 2. | 10. | Ditto. | |
| For an Armourer | 2. | 10. | Ditto. | |
| For a Coxswain | 2. | 10. | Ditto. | |
| For a Boatswains Mate, | 2. | 5. | Ditto. | |
| For a Steward | 2. | 5. | Ditto. | |
| For a Cook | 2. | 5. | Ditto. | |
| For a Quarter Master, | 2. | 5. | Ditto. | |
| For each Seaman, | 2. | | Ditto. | |

[*Passed February 18.*

## CHAPTER 383.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 423. Mass. Archives, lxxvi., 320.

Mass. Archives, lxxvi., 198, 209, 229, 288. House Journal, p. 332.

*Ordered*, That there be allowed and paid out of the Public Treasury to Cap^t Ithamar Hubbell for the use of Jacob Brown Sixteen Shillings; To M^r William Stickney for the use of Obed Abbot thirty four Shillings, & for the Use of John Stearnes twenty Six Shill^s, To Tim^o Brigham Esq^r for the Use of Jonathan Jackson twelve Shillings; to M^r Ephraim Sherman for the use of Hezekiah Ward forty Shillings, & to John Chadwick fifty one Shillings & two pence, in full Consideration of the Expences &c in the Expedition against Crown Point in 1755, in the said Petitions & Acco^t respectively Mentioned. [*Passed February 19.*

## CHAPTER 384.

ORDER GRANTING TO JOSEPH CARDER LICENCE TO SELL STRONG DRINK.

Legislative Records of the Council, xxi., 424.

House Journal, p. 341.

A PETITION of Joseph Carder of Marblehead in the County of Essex, setting forth that by reason of Sickness he was prevented making application in season for a License to sell spirituous Liquors therefore praying that the Justices of General Sessions of the Peace to be holden at Ipswich in said County on the last Tuesday of March next may be impowered to grant him a License for the purpose aforesaid.

Read &
*Ordered* That the prayer of this Petition be granted, & that the Justices of the Court of General Sessions of the Peace for said County be & hereby are impowered to grant the Petitioner a License (if they see fit) at their next term to retail Spirituous Liquors in the Town of Marblehead, he first obtaining the approbation of the Selectmen of said Town, the time for granting Licenses being elapsed notwithstanding. [*Passed February 19.*

## CHAPTER 385.

ORDER IMPOWERING GRACE GREGORY, ADMX, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Grace Gregory of Weston in the County of Middlesex setting forth that her deceased Husband Isaac Gregory's personal Estate is not sufficient to pay his debts by about One hundred Pounds; that it would spoil his Real Estate for a Living to sell off a part, & that the eldest Son who is now of Age declines taking the whole; & paying the Legacies. Therefore praying that she she[1] as Administratrix may be impowered to sell the same for payment of the deceased's debts, She securing the Overplus for the benefit of herself & the Children.

Legislative Records of the Council, xxi., 424. Mass. Archives, xix., 459.

Mass. Archives, xix., 458. House Journal, pp. 78, 79, 90, 330, 342, 343. Province Laws, ii., 151, chap. 10.

Read and
*Ordered* That the Prayer of the Petition be Granted, And That the Petitioner in her said Capacity be and hereby is fully Authorized & Impowered to Make Sale of the deceased's reall Estate for the most it will fetch & to make & execute a good & valid Deed or Deeds thereof in ye Law to such person or persons as Shall be willing to purchase the same she Observing the Law respecting ye sale of real Estates, by Executors & Adminrs & giving sufficient Caution to ye Judge of Probate &c for said County to apply the produce thereof in the first place to the payment of ye deceased's just debts, She to have the improvement of one third of the remander of the produce of Said sale during her Natural life & afterwards to revert to the Heirs at Law, & ye other two thirds to be for the benefit of Said Heirs. [*Passed February 19.*

## CHAPTER 386.

ORDER ACCEPTING REPORT OF COMMITTEE TO CONFER WITH GOVERNOR LAWRENCE, ETC.

THE COMMITTEE appointed to wait on his Excellency Governor Lawrence to confer with him upon the charge of the French Neutrals &c having attended said Service beg leave to report: That it is the desire of Governor Lawrence that the account of the French Neutrals which came from the Southern Governments into this Province be prepared & delivered to him, that he may lay the same before his Majesty's Council at Halifax for payment. And further that his Exellency Governor Lawrence is of opinion, that upon

Legislative Records of the Council, xxi., 425.

House Journal, p. 349. Province Laws, iii., 1060, note. *Ante*, p. 668, chap. 351.

[1] *Sic.*

application made at home this Province will be reimbursed the necessary charges it hath been at for the support of the French Neutrals so called, sent by the Government of Nova Scotia here; & that he will do every thing in his Power to assist this Government in obtaining the same. By order of the Committee

W BRATTLE.

Read &

*Ordered* that this Report be accepted, & that the Committee who had the disposal of the said French Neutrals with the Province Treasurer prepare the accounts referred to accordingly.[1] [*Passed February 19.*

## CHAPTER 387.

### ORDER ALLOWING 12/ TO EBENEZER PARKER.

Legislative Records of the Council, xxi., 427. Mass. Archives, lxxvi., 95.

House Journal, pp. 191, 326.

A PETITION of Ebenezer Parker of Reading in the County of Middlesex setting forth that he went as Ensign in the Crown Point Expedition in 1755 & upon the Leiutenants dismission on the 15th Octo$^{r}$ that he did the duty of a Leiutenant & that he carried his own Gun into the Service. Therefore praying an Allowance.

Read &

*Ordered* That there be Allowed y$^{e}$ Petitioner the sum of twelve Shill$^{s}$ in Consideration of his Services Mentioned as a Lieu$^{t}$ in y$^{e}$ Exped$^{n}$ against Crown point in 1755. & y$^{t}$ the same be paid out of v$^{e}$ public Treasury to Cap$^{t}$ John Temple for y$^{e}$ use of the Petitioner. *Passed February 19.*

## CHAPTER 388.

### ORDER IN REGARD TO PROVISIONS AT WEST HOOSUCK.

Legislative Records of the Council, xxi., 428. Mass. Archives, lxxvi., 277.

House Journal, pp. 325, 340. *Ante*, p. 472, chap. 364; p. 628, chap. 246.

A PETITION of Elijah Williams of Deerfeild setting forth that he was appointed Commissary of Stores in some of the Western Frontiers, & that as such he was directed by Col$^{o}$ Israel Williams to procure & transport Provisions to Fort Massachusetts for thirty men for one year; & to the Garrison in the west Township for ten men, That in pursuance of said orders he procured said Provisions, & sent them as far as Fort Massachusetts, that when they arrived there the commanding officer of the Garrison at west Hoosuk being then at Fort Massachusetts informed that they could not receive or shelter more than three months Provisions in that Fort, so the remainder was left at Fort Massachusetts; & that Garrison was afterwards allow'd by the Court to subsist themselves Therefore praying the order of Court respecting said provisions.

Read And

*Ordered*, That the Commissary for Fort Massachusetts be directed to take care of the Provisions at y$^{e}$ Block house at West Hoosuck as mentioned, and see that y$^{y}$ be transported back to Fort Massachusetts. [*Passed February 19.*

[1] Not found in the House Journal.

## CHAPTER 389.

ORDER IMPOWERING WILLIAM WILLIAMS, ADM$^{R}$, TO SELL REAL ESTATE.

A Petition of William Williams, Administrator de bonis non of the Estate of John Williams, late of Groton in the County of Middlesex deceased Intestate Setting forth that the former Administrator obtained Leave of the Superior Court in January last to sell to the value of Twenty five pounds of the deceaseds Real Estate for the payment of debts, since which other debts have appeared & charges arisen, so that there will not remain half Land enough to make a Settlement when there comes to be as much sold as will be sufficient to pay said debts & charges Therefore praying he may be enabled to sell the whole, he giving Bond to account for the Proceeds of such Sale.

Legislative Records of the Council, xxi., 428. Mass. Archives, xix., 504.

Mass. Archives, xix., 503. House Journal, pp. 333, 340. Province Laws, ii., 151, chap. 10.

Read And

*Ordered*, That the Prayer of this Petition be granted And That the Pet$^{r}$ in his said Capacity be and hereby is fully Authorized & Impowered to Make Sale of the said deceased's reall Estate situate in the District of Shirley & to execute a good Deed or Deeds in y$^{e}$ Law of the same, he first giving public Notice of the time & place of such Sale as the Law directs, & to Acco$^{t}$ with the Judge of Probate for said County for his proceedings therein, & give sufficient Caution to him Accordingly. [*Passed February 19.*

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## CHAPTER 390.

ORDER IMPOWERING THE INHABITANTS OF THE TOWNSHIP OF COLD SPRING TO LEVY A TAX OF ONE HALF PENNY PER ACRÆ ON LAND OF NON-RESIDENT PROPRIETORS.

A Petition of John Mascarene of Cold Spring in the County of Hampshire setting forth the great charges the Inhabitants there have been at of late, particularly in settling of a Minister; whereupon they have made application to the Nonresident Proprietors, who have consented to pay a Tax of one half penny per acre annually (provided the General Court shall think it proper to levy the same) said Tax to be applied towards the settlement & support of the Ministry there Therefore praying that the General Court would be pleased to order a Tax of one half penny per acre on the Lands of the nonresident Proprietors for two years to be applied to the purpose aforesaid.

Legislative Records of the Council, xxi., 427.

Mass. Archives, cxvii., 265. House Journal, pp. 19, 213, 214, 340, 351.

Read and

*Ordered* That the Prayer of this Petition be granted & that there be & hereby is granted a tax of one half penny per acre to be laid on all the Lands of the Non resident Proprietors of said Township for & during the term of two years & no longer; provided that said Tax shall be demanded from each Proprietor in person or that a Notification of its being due shall be left at the Place of his abode before Sale be made of any Lands to discharge the same, the money arising thereby to be applied to the defreying the charges already

arisen, or that may arise by means of the Inhabitants of said Township's settling & maintaining a Gospel Minister among them. [*Passed February 21.*[1]

## CHAPTER 391.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF EBENEZER NICHOLS IN REGARD TO A BOND OF CAPT WILLIAM FLYNT.

Legislative Records of the Council, xxi., 401, 431.

House Journal, pp. 320, 321, 323, 349.

A PETITION of Ebenezer Nichols in behalf of Susanna Flynt Widow of Captn Flynt who died at Lake George the Summer past, praying that the said Captns Bonds which he gave for Bounty money paid him for the men under his command may be discharged; the order of Court requiring the Captains oath to his account notwithstanding.

The Committee on the Petition of Ebenezer Nichols Esqr on behalf of Sussanna Flynt, Widow, & Administratrix of the Estate of Captn William Flynt, late of Reading deceased upon inquiry made find that the deceased paid, (as bounty.) to the men he inlisted the Sum of Sixty eight pounds five shillings, & delivered to Colo Ichabod Plaistead thirty three pounds sixteen shillings (of the mony which the said Flynt took out of the Province Treasury) as appears by said Plaisteads Receipt, & for which He promises to be accountable: The two formentioned Sums amounting to One hundred & two Pounds one shilling. the Committee are humbly of opinion that the Estate of said deceased be discharged of so much; & that his bond be delivered up by the Province Treasurer upon the said Susanna's accounting with Him for the Ballance on said Bond if any there be Which is humbly submitted ℔ Order

SAMUEL DANFORTH.

Read &

*Ordered* that this Report be accepted. [*Passed February 21.*

## CHAPTER 392.

RESOLVE DIRECTING WAGES OF DECEASED SOLDIERS TO BE PAID WITHOUT LETTERS OF ADMINISTRATION.

Legislative Records of the Council, xxi., 432. Mass. Archives, lxxvi., 334.

House Journal, p. 353.

WHEREAS many Private Soldiers of this Provence Who Went vpon the Laste Crown pointe Expedition Were Killed or Died in the Service Leaveing no Real Estate and bvte Littel more of personal Estate then their Wages

There fore

*Resolved* That in Every Svch Case the Widow of Such Deceased Soldier or the Next of Kin to Said Intestate Shall and hereby is impowered to Receive Svch wages Withovte taking Leters of Administration on Svch Deceased persons Estate and that the Treasvrer be and hereby is Directed to pay them accordingly they to be alike accovntable and Liable to the actions of the Creditors and Heirs as If they had taken Leters of administration. [*Passed February 21.*

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is February 19.

## CHAPTER 393.

RESOLVE CONSTRUING AN ORDER IN REGARD TO TAXES OF EBENEZER GILBERT AND OTHERS OF BROOKFIELD.

WHEREAS Ebenezer Gilbert & others of Brookfield in the County of Worcester were with their Estates they lived on by an order of the General Court which passed the twenty sixth day of December 1755 sett off from the first Precinct in said Town and annexed to Parish of Ware River, with this further order, that all Sums that had been assessed on them since the dividing of the first Parish in said Town should be abated them, & whereas a doubt has since arisen whether the said Persons were intended thereby to be freed from their Province, County & Town Taxes as well as Precinct Taxes.

Legislative Records of the Council, xxi., 434.

House Journal, pp. 342, 351. *Ante*, p. 419, chap. 227.

To remove all doubts, & to prevent disputes for the future It is therefore

*Resolved* That the true Intent & meaning of said Order was: That the said Persons should be freed from their proportion of the Precinct Taxes only, for the time therein mentioned, agreeable to their Petition; & that they & each of them be, & hereby are declared to be held to pay such Sums as were assess'd on them, for the said time to the Province, County & Town Taxes, & that the Constable or Constables of said Town of Brookfeild, be & hereby are impowered, & directed to collect such Sum or Sums as were assessed on them since the dividing of said first Parish in said Town to the time of their being annexed to the Parish of Ware River which still remains unpaid anything in said order to the contrary notwithstanding. [*Passed February 22.*

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## CHAPTER 394.

ORDER ACCEPTING REPORT OF COMMITTEE ON FORFEITED RIGHTS IN PAYQUAGE AND CONFIRMING THE SAME TO THE RESPECTIVE PARTIES NAMED THEREIN.

JOHN CHANDLER, & JOHN WORTHINGTON ESQ^RS appointed a Committee upon the Affair of the new Township of Pequoag in the County of Worcester made the following Report viz^t

Legislative Records of the Council, xxi., 435. Mass. Archives, cxvii., 271.

That since the additional power given them by the last Order of this Court on that Affair, the Committee pursuing (as they apprehend) the design thereof, & making the speedy and compleat Settlement of that place, & the publick Utility resulting from such Example their principal Objects in disposing of the following forfeited Rights have proceeded thereon as follows viz^t

Mass. Archives, cxvii., 268, 275. House Journal, pp. 353–357. *Ante*, p. 416, chap. 225.

On the Right originally proposed to be granted to Richard Wheeler; the Committee found that the same was long since sold by said Wheeler to John Grout of Lunenburgh, who had given Wheeler Security to perform the Conditions of Settlement but had failed so to do: The Committee therefore agreed that said John Grout should have said Right confirmed to him only on the following Conditions viz^t That he should pay all the Taxes thereon, that were in arrear: that he should pay to the Committee for the use

of the Province the Sum of eight Pounds money, & that he should give effectual Security for speedy Settlement of the said Right; which the said Grout accordingly did: & your Committee therefore humbly report, that the said Right be confirmed to the said Grout & his Heirs.

On the Right originally proposed for Charles Dorothy, the Committee found that said Charles sold the same to One Eleazer Sanger, now deceased, & that no part of the Conditions of Settlement have been performed thereon; the Committee therefore agreed to sell the same at public vendue; and accordingly sold the same to one Ezra Sanger, a Son of said deceased for the Sum of twelve pounds, enjoining him to pay all Arrears of Taxes & to give Bond for speedy Settlement thereof, which he did accordingly; they therefore propose that the said Right be confirmed to the said Purchaser & his Heirs.

On the Right originally proposed for Jonathan Marble the Committee have found that said Jonathan sold the said Right to Samuel Kendall of Woburne, & that said Kendall had sold the House Lot thereof to one Ezekiel Wallingford, whose Widow, (as Administratrix on his Estate) had sold the same, by order of this honourable Court for payment of said Wallingfords debts: And finding the Conditions of Settlement wholly unperformed, they agreed that the said Home Lot should be confirmed to the Vendee's of said Widow, & that the residue of said right should be confirmed to said Kendall, he paying, all Arrears of Taxes, & paying Eight pounds for the use of the Province & giving Bond for Settlement as aforesaid, which said Kendall did; & the Committee report, that the same be confirmed to Him & his Heirs accordingly,

On the Right originally proposed for John McKenny, the Committee have found, the Home Lot thereof given by McKenny to said Samuel Kendall, & by him sold to Wallingford, & then by his Widow sold as the Home Lot of the Right aforesaid are of opinion the same be confirmed to her Vendee's; And the Committee haveing found the Residue of said Right sold to John Pebbles of Blandford deceased; also finding that said Kendall in consideration of said Home Lot had given his bond to said M$^{c}$Kenny to perform settlement thereon which was not done; The Committee agreed, that on said Kendall's paying arrears of Taxes on this Right, & paying six pounds for the use of the Province, & giving security to make a special Settlement on one Lot in some of his other rights in leiu of this, the Residue of this should be confirmed to the Heirs of said John Pebbles, to which said Kendall acceded, & gave such security; & the Committee report confirmation of the same Lands accordingly.

On the Right originally of Daniel Fiske, the Committee finding the same long since sold to Robert Marble, & very considerable improvements to have been made by him thereon, agreed that the same should be confirmed to said Robert on his paying all Taxes, & giving Bond for a full Settlement thereof, which the said Robert then did & so your Committee report a Confirmation thereof to said Robert accordingly.

On the Right originally proposed for Samuel Finney, the Committee finding that the House Lot thereof was long since sold absolutely to one Aaron Smith, who has made considerable Improvements thereon, & no Improvements made on the other Lands of said Right, your Committee agreed that the said Home Lot should be confirmed

to the said Aaron Smith, he paying Taxes & that the Residue should be sold. And the Committee sold the Residue to John Murray Esq$^{r}$ for the Sum of Twenty six pounds sixteen shillings, who gave security for the same Sum with other Security for settling said Right; & your Committee report that the said Lands be granted & confirmed to said Smith & Murray accordingly.

On the Right originally proposed for Joseph Smith the said Joseph having sold the House Lot, & the ten acre division to Nathanael Graves, who has improved the same in regard to his own advantage, & not as a performance of the Conditions, on which the Right depended, & no improvement having been made on any other part of said Right; the Committee therefore agreed, the said Graves should have the said House Lot, & ten acre Lot confirmed to him, & the Residue of said Right the Committee agreed to sell at Vendue, & accordingly sold the same to John Murray Esq$^{r}$ aforesaid for the Sum of twenty one pounds four shillings & took his Bond for the payment thereof; & his other Bond for performing Settlement thereon; & your Committee, report, that the said Land be granted & confirmed accordingly.

On the right originally proposed for John Grout, the Committee on inquiry found, that the said John had done nothing towards Settlement thereof, but was designed very speedily to do it; the Committee agreed the said John should have his said Right confirmed on his paying all Arrears of Taxes, Eight pounds to the Province, & giving Bond for speedy Settlement, all which he did, & the Committee report that the said Right be confirmed to him.

On the Right originally proposed for John Cutting; the Committee found the said Right had been conveyed to one Alexander Stuart, & afterwards part thereof sold; & the Residue thereof taken by Executions, by a number of the Creditors of said Alexander; & that one of said Creditors Assigns had performed the Settlement on said Right; the Committee agreed the said Right should be confirm'd to the said Execution Creditors, & their Assigns according to their respective Extents &$^{c}$ and submit the same accordingly.

On the Right N$^{o}$ 6 on West Pequaog, (so called) being originally proposed for Samuel Kendall, the Committee considering said Samuel & his Sons had made very considerable improvements in said Township, on this & other Rights much more than sufficient for Settlement of a Right, & much more advantageous to said place & for which he had no credit in these respects, the committee agreed said Right should be granted & confirmed to Seth Kendall Son of said Samuel he (said Seth) giving security to settle the same, & pay the Taxes thereon, which said Seth hath done; & the Committee report a confirmation thereof accordingly.

On said Samuels other proposed Right, the Committee agreed a Confirmation thereof to him, he paying eight pounds to the Province, & giving Bond to settle &$^{c}$ which he did & the Committee report that the same be confirmed accordingly.

On the Right originally proposed for Jonathan Page, the Committee found that the said Page sold the House Lot thereof for a large Sum to one Stratton who has since the expiration of the five years from admission settled the same, the Committee therefore report that the said Houselot be confirmed to said Stratton, & the Residue of said Right to Joseph Page & Page Sons of said Jonathan, they having secured to the said Committee for the use of the Province five pounds for past defects, & having paid all Taxes set on that part of the Right.

On the Right originally proposed for John Longely, the Committee find that the said Longely sold the Houselot, to Robert Marble, who settled the same, not to secure the Right, but to accomodate himself with convenient dwelling &c The Committee therefore agreed that said Marble should have the House Lot & ten acre Lot confirmed to him, & that the said Longely's Sons should have the Residue on payment of Taxes, Five pounds to the Province &c which being done by the said Longely's Sons, the Committee propose a confirmation accordingly.

On the Right originally for George Danforth, the Committee find, that the supposed Title to the House Lot by sundry Conveyances is transmitted down to one Jason Babcock, who after some Improvements on his Lands, bought in said place, was unhappily captivated by the Indian Enemy; & the Committee propose that said House lot be confirmed to said Jason, & the Committee sold the Residue of said Right to John Murray Esqr for twenty two pounds eight shillings & took his Security for payment thereof: & therefore propose said Residue be granted to said Murray accordingly

On Joseph Bowmans originally supposed Right, the Committee found the same was sold to said Samuel Kendall of Woburn who had neglected to settle the same; they agreed therefore that said Kendall should have confirmation thereof on his paying the Taxes, & paying eight Pounds for the Province, & giving Bond to settle, which he did; & so the Committee report confirmation thereof accordingly.

The several Securities for the payment of the several Sums aforesaid; for the Use of the Province, the Committee herewith present to your Honours, & are ready to account for such moneys as they have received.

The several Bonds taken as security for the effectual & speedy Settlements beforementioned, your Committee herewith lay before your Honours, & submit their sufficiency for the end designed to your Honours consideration.

Your Committee would only add that touching the remaining six Rights vizt those originally proposed for Nehemiah Wright, John Hadley, Richard Ward, Moses Dickinson, James Fay, & Israel Hammond, that altho' they have not neglected to proceed as far as with convenience they could towards a proper disposition thereof, yet they have not been able hitherto fully to compleat the same, and therefore beg leave of your Honours hereafter to report thereon.

Read And

*Ordered* That this Report be Accepted, And that the Lands by the said Committee therein reported to be granted & confirmed, be and hereby are granted and Confirmed to the respective persons therein mentioned accordingly. [*Passed February 22.*

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## CHAPTER 395.

Legislative Records of the Council, xxi., 440. Mass. Archives, lxxvi., 344.

VOTE DIRECTING THE COMMITTEE OF WAR TO PROVIDE COATS AND HATS FOR NON-COMMISSIONED OFFICERS AND SOLDIERS.

Mass. Archives, lxxvi., 343. House Journal, p. 360.

*Voted* That all non Commissioned Officers, & Private Soldiers that shall Proceed in his Majesty's Service under the Comand of the Right Honle ye Earl of Loudoun on the Part of this Province Shall be Intitled to a Coat & a Soldiers Hat Each, over & above the Bounty

& Wages already Voted for their Encouragement therein and that the Comittee of war be Directed to Provide the same Accordingly. [*Passed February 23.*

Province Laws, iii., 1079, note. *Ante*, p. 443, chap. 282; p. 656, chap. 314.

## CHAPTER 396.

VOTE DIRECTING COMMISSARIES OF THE LATE CROWN POINT EXPEDITION TO RENDER THEIR ACCOUNTS.

*Voted*, That the several Commissaries who were employed in the Service of this Province on the late Expedition against Crown-Point be directed to lay their respective Acco$^{ts}$ before this Court forthwith. [*Passed February 23.*

Legislative Records of the Council, xxi., 440. Mass. Archives, lxxvi., 345.

House Journal, p. 359.

## CHAPTER 397.

RESOLVE FORBIDDING COMMISSARIES TO MAKE PROFITS OUT OF CONTRACTS WITH SOLDIERS.

*Resolved* that by virtue of the Vote passed the General Court the 20$^{th}$ of April last, no Commissary employed in the late Expedition against Crown Point had a Right to make any Profit to himself by means of any Contract with the private Soldiers, for their Back Allowance. [*Passed February 23.*

Legislative Records of the Council, xxi., 441.

Legislative Records of the Council, xxi., 170, 178. House Journal, pp. 480, 490 (April, 1756); p. 393. *Ante*, p. 517, chap. 469.

## CHAPTER 398.

ORDER ALLOWING £4. 16 TO JAMES CARR.

A Petition of James Carr representing that he was appointed to take charge of the deficient Recruits for reinforcing the Army at Lake George; that he was only allowed Ensign's Pay & received no Accoutrements, nor Provisions, & was Exposed to great Charge for his Maintenance & Support

Therefore praying an Allowance therefor.

Read and

*Ordered*, That there be allowed & paid out of the public Treasury the Sum of four pounds sixteen Shillings to the Petitioner in Consideration of his Boarding himself twelve Weeks whilst in the Service of the Province as Mentioned. [*Passed February 23.*

Legislative Records of the Council, xxi., 442. Mass. Archives, lxxvi., 290.

Mass. Archives, lxxvi., 289. House Journal, pp. 342, 358.

## CHAPTER 399.

ORDER ALLOWING £4 TO SAMUEL NICHOLS NELSON.

A Petition of Samuel Nichols Nelson praying an Allowance for the expence he was at in returning from the Army at Lake George, being obliged to hire a man & Horse to bring him from Sheffeild to Plymouth: & an allowance for the time he apprehends he was made up short in the muster Roll.

Read and

Legislative Records of the Council, xxi., 443. Mass. Archives, lxxvi., 322.

Mass. Archives, lxxvi., 322.

House Journal, pp. 346, 358, 359.

*Ordered*, That there be allowed and paid out of the public Treasury to the Petitioner the sum of four pounds in full Consideration of his Expences on his return home from y^e^ army, under y^e^ Command of Gen^l^ Winslow. [*Passed February 23.*

## CHAPTER 400.

VOTE DESIRING THE LIEUT. GOVERNOUR TO INSTRUCT THE PERSON APPOINTED TO TAKE CHARGE OF PROVINCE ARMS AND STORES AT ALBANY, ETC.

Legislative Records of the Council, xxi., 444. Mass. Archives, lxxvi., 242.

House Journal, pp. 363, 364. Province Laws, iii., 1079, note. *Ante*, p. 677, chap. 381.

*Voted* That his Honour the Lieu^t^ Governor be desired to give Orders to the person he shall think proper to employ, to repair to Albany to take Care of y^e^ Arms & Stores belonging to the Province, That he immediately Collect from the several Stores, Forts & officers hands, all the Kings Arms & Accoutrements that were left at Albany & parts adjacent, by the Forces raised by this Governm^t^ the last Year on y^e^ Expedition against Crown-point, and ship them directly for Boston unless his Excellency the Earl of Loudoun or some of his principal Officers give Orders to the Contrary, and in that Case That he see that a proper Certificate be taken & returned, in order to Discharge the Commissary General's Obligation (in behalf of this Government) to the Kings Store Keeper for the Arms & Acoutrements aforesaid. [*Passed February 24.*

## CHAPTER 401.

ORDER DIRECTING COMMITTEE OF WAR AS TO PURCHASE OF COATS AND HATS FOR NON-COMMISSIONED OFFICERS & SOLDIERS.

Legislative Records of the Council, xxi., 445. Mass. Archives, lxxvi., 353.

House Journal, pp. 370, 371. *Ante*, p. 686, chap. 395.

WHEREAS this Court have directed the Committee of War to purchase a Coat and a Soldiers hat for each of the Noncommission Officers & Soldiers that shall proceed in his Majesty's Service in the Pay of this Government under the Command of his Excellency the Earl of Loudoun.

*Ordered* that the said Committee give public notice, of the particular kinds and qualities of the Articles they may want for the purpose aforesaid, that any Persons who incline to supply the same may give in an account of such Articles as they would furnish, with the Sterling price (upon Oath if required) of such of them as are imported from England and the Advance thereon at which they would sell them. And that the Committee give the preference to those who shall offer such Commodities as are suitable for the purpose upon the easiest Terms. [*Passed February 25.*

## CHAPTER 402.

ORDER ALLOWING £7. 16 TO JOHN NORTON FOR EXPENSES OF COMMITTEES ON SALE OF EXCISE IN DUKES COUNTY.

A PETITION of John Norton of Dukes County praying an Allowance of the charges & expences of sundry Committees in farming the Excise in said County for four years past amounting as by an account exhibited to Seven pounds sixteen shillings

Read &

*Ordered* That the Sum of Seven Pounds sixteen shillings be allowed to be paid out of the Public Treasury in full of the Within account of the Charges of sundry Committees on Sale of the Duties of Excise in said County, as mentioned, & that the said Sum be paid to John Norton Esq^r^ for the several persons concerned. [*Passed February 25.*

Legislative Records of the Council, xxi., 445.

House Journal, pp. 344, 368. Province Laws, iii., 1071, note.

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## CHAPTER 403.

ORDER DIRECTING THE PROVINCE TREASURER TO REPAY THOMAS BOWEN THE AMOUNT HE PAID FOR EXCISE ON TEA, COFFEE, &c., IN BRISTOL COUNTY.

A PETITION of Thomas Bowen of Rehoboth in the County of Bristol Esq^r^ Shewing that in the year 1754 he purchased the duty of Excise on Tea, Coffee & China Ware in said County & gave bond to the Province Treasurer for the payment of Ten pounds twelve shillings for the same, but that through some defect as he apprehends in the Law; it so happened that no person in the County was subject to pay the said duties, nor has he been able to collect any moneys by virtue of said Act. Therefore praying that he may be abated the Sum he had engaged to pay to the Province Treasurer as aforesaid.

Read and

*Ordered*, That the Prayer of this Petition be so far granted as That the Treasurer be and hereby is directed to repay to the Petitioner the sum he paid into the Province Treasury for y^e^ Excise on Tea Coffee & China Ware in the County of Bristoll for the Year 1754 deducting therefrom the Charges of y^e^ Committee who Sold the said Excise for said Year. [*Passed February 25.*

Legislative Records of the Council, xxi., 446. Mass. Archives, cxx., 136.

Mass. Archives, cxx., 133½, 135. House Journal, p. 279 (April, 1755); pp. 67, 277, 366.

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## CHAPTER 404.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY JOHN GOODWIN THE AMOUNT DUE KENDALL GOODWIN.

A PETITION of John Goodwin of Reading in the County of Middlesex Setting forth that his Son Kendal Goodwin a Soldier in the Crown Point Expedition in the year 1755 since decease'd bare the greatest part of his Expences upon his return home Therefore praying that the Province Treasurer may be directed to pay the billeting allowed to said Kendall on Capt^n^ Jone's's Muster Roll, to the Petitioner.

Legislative Records of the Council, xxi., 446. Mass. Archives, lxxvi., 162.

House Journal, pp. 364, 365.

Read and

*Ordered* That the Prayer of this Petition be granted And That y^e^ Province Treasurer be & hereby is directed to pay to the Pet^r^ the money due on y^e^ Muster Roll of Cap^t^ Eben^r^ Jones to Kendal Goodwin dec^d^ for his subsistence on his return home from the Army on the Expedition against Crown-Point in 1755, deducting out y^e^ same An Allowance for four Meals he received on y^e^ Province's Acco^t^. [*Passed February 25.*

## CHAPTER 405.

ORDER ALLOWING £12. 17. 5 TO AMASA DELANO.

Legislative Records of the Council, xxi., 447. Mass. Archives, lxxvi., 356.

House Journal, pp. 331, 359, 367.

A PETITION of Amasa Delano, a Soldier in the last Crown Point Expedition Setting forth that when the Body of Troops left the Province, he received Orders from General Winslow to tarry until he had collected & sent forward those Troops, which had not joined the main body in their march, that he accordingly tarried, & diligently employed himself in collecting & Forwarding the Troop, which he did at a great expence; therefore praying he may be reimbursed the same, & receive such allowance for his time & trouble as shall seem just.

Read and

*Ordered*, That there be allowed and paid out of the Public Treasury to the Petitioner the sum of Twelve pounds seventeen shillings & five pence in full of the Expences in y^e^ Petition Mentioned. [*Passed February 25.*

## CHAPTER 406.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF ISRAEL AVAREL FOR LEAVE TO PROSECUTE AN APPEAL.

Legislative Records of the Council, xxi., 447.

House Journal, p. 364.

A PETITION of Israel Avarel of Topsfeild in the County of Essex. Yeoman Setting forth that he was sued by Anna Jarvis of Marblehead, Administratrix of Thomas Jarvis deceased for Six pounds thirteen shillings & four pence which Sum not being due to the Plaintiff; the said Israel by his Attorney M^r^ Epes claimed an Appeal in Season from the Judgment of the Iuferior Court of Common Pleas for said County there obtained against Him; & applied seasonably to recognize for the Prosecution of his said Appeal; but that it so happened that neither of the Judges were in Town when he went to make his Application, by which means he has lost his Law. Therefore praying he may yet recognize to prosecute his appeal claimed; & that the Superior Court may try the cause, & judge thereon in the same manner as if he had recognized in time; & that Execution be stayed in the mean while.

Read &

*Ordered* That the Petitioner notify the adverse party with this Petition by serving her with an attested copy thereof (that She shew cause if any she have) on the second Wednesday of the next Sitting of this Court, why the Prayer thereof should not be granted; & that execution be stayed in the mean time; the Petitioner giving

sufficient Security to the Sherriff of the County of Essex to respond the Judgement that shall be finally recovered against him. [*Passed February 25.*

## CHAPTER 407.

ORDER ALLOWING £12 TO DIVERS INHABITANTS OF GREENFIELD.

A Petition of Benj[a] Hastings of Greenfield in the County of Hampshire representing their distressed State living in an exposed Frontier, said place lying about three miles North of Deerfield, & no Town betwixt that & Canada that one man was killed & two captivated there the last Summer, & that thirty two men have left them since the war commenced that they cannot perform their labour without guards, & are often called from it by alarms, Therefore humbly praying for Releif & protection.

Legislative Records of the Council, xxi., 448. Mass. Archives, cxvii., 209.

Mass. Archives, cxvii., 208. House Journal, pp. 342, 362.

Read and

*Ordered*, That the Prayer of this Petition be so far granted as that there be allowed out of y[e] public Treasury to said Inhabitants the sum of twelve Pounds to be improved for building Fortifications there under the Conduct of Elijah Williams Esq[r] as far as it respects y[e] laying out the said Money, & to be paid into his Hands for y[t] purpose. [*Passed February 25.*

## CHAPTER 408.

ORDER ALLOWING 16/ TO REBECCA DAVIS.

A Petition of Rebecca Davis, Widow of Amos Davis, late of Grafton deceased. Setting forth that her said Husband being a Soldier in the Crown Point Expedition in 1755, obtained a regular dismission from the Service on account of his being sick & incapable of doing duty: that he returned home at his own expence; & inasmuch as there was afterwards Provision made for the Subsistence of the army upon their Return home. praying that She may be allowed the reasonable charge of this Journey.

Legislative Records of the Council, xxi., 448. Mass. Archives, lxxvi., 273.

Mass. Archives, lxxvi., 273. House Journal, pp. 352, 368. *Ante*, p. 585, chap. 137.

Read &

*Ordered* That there [be] [1] allowed & paid out of the Public Treasurer [2] to M[r] Ephraim Sherman for the Use of y[e] Pet[r] the sum of Sixteen Shillings in full of y[e] Expences referred to therein. [*Passed February 25.*

## CHAPTER 409.

ORDER ACCEPTING REPORT OF COMMITTEE ON PETITION OF BELLONI MELANCON TO BE PERMITTED TO REMAIN AT WEYMOUTH.

A Petition of Belloni Melancon one of the late Inhabitants of Nova Scotia Setting forth that He, his Wife & seven Children; his Brother in Law & Wife & four Children were placed by the Government at Lancaster, where they lived twelve months enduring

Legislative Records of the Council, xxi., 432, 449. Mass. Archives, xxiii., 357.

[1] Inserted from Legislative Records of the Council, xxi., 449.
[2] *Sic.*

Mass. Archives, xxiii., 356. House Journal, pp. 359, 367, 368. Province Laws, iii., 1060, note.

great hardships & suffering Want, till at length about twenty seven days since they left the Town, & went to Weymouth, where he prays they may be allowed an House to lodge in, & wood, & for the rest he will endeavour to maintain his Wife, & five young Children & place his two eldest Sons in some good Families.

Silvanus Bourn Esq$^{r}$ from the Committee on the Petition of Belloni Melancon made report. That they had met & heard the Petitioner and one of the Selectmen of Lancaster relating the several matters therein complained of, & also heard the Representative of Weymouth, where the French People mentioned in said Petition at present reside; & that it doth not appear that the Petitioner had any Grounds to complain of the Selectmen of Lancaster, or either of them; relating the matters complained of, & are therefore of opinion that the said French People be ordered forthwith to return to Lancaster from whence they in a disorderly manner withdrew themselves.

Which Report was read & accepted by both Houses

Read and

*Ordered* That y$^{e}$ Report of the Com$^{tee}$ be Accepted, & y$^{t}$ the said French Neutrals so called be directed to return forthwith to y$^{e}$ Town of Lancaster Accordingly. [*Passed February 25.*

## CHAPTER 410.

ORDER ALLOWING 30/ TO SOLOMON WHEAT.

Legislative Records of the Council, xxi., 449. Mass. Archives, lxxvi., 308.

House Journal, pp. 305, 345, 370.

A PETITION of Solomon Wheat Setting forth that he went out as Clerk to Capt$^{n}$ Dalrymple in the Crown Point Expedition, & officiated as Surgeon & Physician in the Army until the Doctor's Arrival; upon which Capt$^{n}$ Dalrymple appointed another Clerk & thereby prevented him of Clerks pay from May 16 to Sept$^{r}$ 28$^{th}$ whereupon he prays for a Recompence from this Court.

Read and

*Ordered*, That there be allowed & paid out of the public Treasury the Sum of thirty Shillings to y$^{e}$ Petitioner in Consideration of his services Mentioned as Chirurgeon & Physitian & of his being born in y$^{e}$ Muster Roll of the Comp$^{a}$ he belonged to as a private Centinel only instead of A Clerk, in which Capacity he engaged in y$^{e}$ Service. [*Passed February 25.*

## CHAPTER 411.

ORDER DIRECTING THAT NO DEDUCTIONS FOR ARMS BE MADE FROM WAGES OF DIVERS SOLDIERS.

Legislative Records of the Council, xxi., 450. Mass. Archives, lxxvi., 342.

Mass. Archives, lxxvi., 341. House Journal, pp. 363, 368.

A PETITION of Samuel Thacher, a Capt$^{n}$ in Col$^{o}$ Gridleys Regiment in the late Expedition to Crown Point praying that Sundry Privates in his Company whose Arms had been returned might be discharged of the Same.

Read And

*Ordered*, That the Province Treasurer be and he hereby is directed in paying off the several persons hereafter named who were in the Crown Point Expedition the last Year, not to make any Stoppage

out of their Wages for their Guns they being returned & receipts given for y^e^ same, viz^t^ Samuel Thacher's, David Delano's, Stephen Merril's, Seth Jewett's, Remembrance Dunham's which were returned to David Darling Quarter Master at Fort William Henry. And William Tupper's Israel Felix's, William Barlow,s Lemuel Wood's, Samuel Babbit's, James Faunce's, Nathan Thomas,s, Joshua Caswell,s Ephraim Thomas' & Abner Barlow's which were delivered to Thomas Foster Esq^r^ of Plymouth, Also Robert Barrow's & George Hoit's Guns Which were left at Green Bush, Also William Rauson's Gun which was lost in a Batteau: and as to John Reed's Gun that the further Consideration of y^t^ affair be referred. [*Passed February 25.*

## CHAPTER 412.

VOTE DIRECTING THE PURCHASE OF COATS, HATS &c. UPON CREDIT.

WHEREAS there is not a sufficiency of Money now in the Treasury to be spared to purchase Coats, Hats &c Ordered by this Court for the Men to be raised for the Proposed Expedition under his Excellency the Earl of Loudoun; therefore

*Voted* That the Committee of War engage to those of whom they purchase them, that this Court will make provision the next May Sessions That they shall be paid in Governm^t^ Securities which shall be on lawfull Interest & bear Date from the Time of the respective purchases. [*Passed February 25.*

Legislative Records of the Council, xxi., 450. Mass. Archives, lxxvi., 351.

House Journal, pp. 360, 369. *Ante*, p. 688, chap. 401.

## CHAPTER 413.

VOTE DIRECTING THE PROVINCE TREASURER TO STOP OUT OF THE WAGES OF PELEG WAINEYE & JONATHAN WAYMAN MONEY FOR GUNS NOT RETURNED.

*Voted* that the Treasurer be Directed to stop out of the wages of Peleg WainEye Twenty Eight shillings Lawfull money & out of the wages of Jonathan Wayman one pound Thirteen Shillings & four pence for their Guns which they have not returned & that those sums be paid to Col^o^ Norton by the Treasur^r^ unless they produce their Guns inasmuch as the said Norton imprest their Guns for them the said persons were born on Cap^t^ Fullers Rool in y^e^ year 1755. [*Passed February 25.*

Legislative Records of the Council, xxi., 451. Mass. Archives, lxxvi., 352.

House Journal, p. 371.

## CHAPTER 414.

VOTE DESIRING THE LIEUT. GOVERNOUR TO APPOINT A PUBLIC FAST DAY.

WHEREAS this Court at their Present sessions have been making Provisions for raising a Considerable Number of Troops to be Employ^d^ in Conjunction w^h^ his Majesty's other Forces in North America under Command of The R^t^ Hon^ble^ The Earl of Loudon for Annoying his Majesty's Enemies &c

Legislative Records of the Council, xxi., 452. Mass. Archives, xiv., 7.

House Journal, p. 373. Love's Fast and Thanksgiving Days of New England, p. 498. *Ante*, p. 656, chap. 314.

& Whereas the Interest & Safety of this Province greatly depends upon their success in the Expeditions in which they may be Employ$^{d}$.

And as our Success in this and all other our Affairs depends upon the Smiles & Blessing of Heaven

Therefore

*Voted* that His Honor y$^{e}$ Lei$^{t}$ Gov$^{r}$ be desired to appoint a Day of Fasting & Prayer to be observ$^{d}$ throughout this Province to seek to Heaven in the most humble penitent & Earnest Manner for y$^{e}$ Divine Favor & Blessing on this and all other the affairs of y$^{e}$ Publick & that all Recreation & Unnecessary Labor be forbidden thereon.[1] [*Passed* * *February 26.*

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## CHAPTER 415.

VOTE FOR AN ESTABLISHMENT FOR FORTS AND GARRISONS ON THE EASTERN AND WESTERN FRONTIERS.

Legislative Records of the Council, xxi., 453. Mass. Archives, lxxvi., 360.

House Journal, pp. 358, 359, 360, 361, 363, 372, 373, 374, 375. *Ante*, p. 472, chap. 364; p. 624, chap. 238.

*Voted* That the following Establishment be made for Defence of the Eastern & Western Frontiers, Viz$^{t}$

That there be one hundred Men (besides those now in the Garrisons & Forts) employed in Ranging the Woods on the Eastern Frontiers in such places as the Commander in Chief shall Order, to be continued in s$^{d}$ service till the tenth Day of April next and no longer.

That there be fifteen Men posted at Fort Massachusetts, besides the fifteen now there, including one Lieu$^{t}$ one Serjeant, one Corporal & one Drummer.

That four of the men at Rice's Garrison in Charlemont be withdrawn & two of them posted at Hawk's Garrison, the other two at Taylor's in s$^{d}$ place

That the men at Fort Massachusetts & y$^{e}$ other Garrisons on y$^{e}$ Western Frontiers be employed in Scouting as y$^{e}$ Commander in Chief shall direct, and the whole continued in the service untill y$^{e}$ 10$^{th}$ Day of July next or the further Order of this Court.

That the Men now posted at Pontoosuck by the Governm$^{t}$ of Connecticut be subsisted at the Charge of this Government untill the 10$^{th}$ of July next.

That there be forty five Men including one Captain & one Lieu$^{t}$ employed in Ranging the Woods on the West Side of Connecticut River, North of Fall Town in such places as the Commander in Chief shall order, to be Continued in s$^{d}$ service till y$^{e}$ first day of April next & no longer

That there be the same pay & subsistence allowed to y$^{e}$ Forces on the Eastern & Western Frontiers as was ordered by the Establishment made for the Forces there the last Year.

That the Commissary General be directed forthwith to provide a sufficient Number of Snow Shoes and Mogasons for those that may be employed in the Scouting and ranging service. And

That the raising of the men for the services aforesaid be by inlistment. [*Passed February 26.*

[1] The fast was appointed for April 21, 1757, and was public. Mass. Archives, xiv., 9, reads, April 14.

## CHAPTER 416.

VOTE DIRECTING THE PROVINCE TREASURER TO STOP MONEY FOR FIRE ARMS NOT RETURNED OUT OF SOLDIERS' WAGES.

*Voted.* That the Province Treasurer be & hereby is directed in paying the Rolls of the Officers & Soldiers in the last Expedition towards Crown Point to retain four Pounds out of the Wages of every Officer & Soldier that received Arms belonging to the Crown, or that are now possessed of Arms belonging to the Province, till such Officer or Soldier return the same Arms & Bayonets (therewith delivered) to the Commissary General, or produce Certificate that they have lodged the same with some person appointed in the several Counties in the Province to receive them & that the several Colonels & Captains of the Militia in the Province be & hereby are impowered & enjoined immediately to seize all such Arms as they may find disposed of by any of said Soldiers, & in the hands of any of the Inhabitants of the Province, & to convey the same to the Commissary General in the most speedy & easy manner.

Legislative Records of the Council, xxi., 454.

Mass. Archives, lxxvi., 358. House Journal, p. 365. *Ante*, p. 652, chap. 303.

And that his Honour the Leiutenant Governor be desired to write to the Governors of New York. & Connecticut, advising them, that many of the said Arms delivered to the Soldiers raised by this Province have been purchased from them by the Inhabitants of their respective Governments. And to desire them to take such measures as may be thought necessary for the Recovery of the same for the use of the Province.

And further

*Ordered* that the first paragraph of this Vote be publish'd in the several publick prints for the information of all Persons concerned. [*Passed February 26.*

## CHAPTER 417.

ORDER REFERRING ALL UNFINISHED MATTERS.

*Ordered*, That all matters now lying before this Court, which have not been & shall not be passed on before the Court rises, be referred over, & have the same day at their next Sitting. [*Passed February 26.*[1]

Legislative Records of the Council, xxi., 454.

House Journal, p. 370.

## CHAPTER 418.

ORDER IMPOWERING ENOCH MERRILL, ADM$^{R}$, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Enoch Merril, Administrator to the Estate of his Brother John Merril late of Methuen in the County of Essex deceased; Setting forth that his said Brother died in December last seized of a House & about Sixty Acres of Land apprized at £93.6.8, & that the deceaseds debts amount to about Sixty Pounds more than his personal Estate, that it would be more for the Inter-

Legislative Records of the Council, xxi., 459. Mass. Archives, xix., 533.

Mass. Archives, xix., 532. House

[1] Adjourned to March 30. See Legislative Records of the Council, xxi., 456.

Journal, pp. 378, 381, 382. Province Laws, ii., 151, chap. 10.

est of the Heirs to have the whole sold, than to sell what Would be barely sufficient to pay the debts: & as the Widow hath signified her desire that the whole may be sold he prays that he may be impowered to dispose thereof accordingly he to be accountable.

Read and

*Ordered* That the Pet$^{r}$ be and He hereby is impowered in his said Capacity to make Sale of the lands and premisses within mentioned for the most they will fetch. He observing the directions of the Law respecting the Sale of real Estates, and making a good Deed or Deeds for conveyance thereof, and giving sufficient Caution to the Judge of Probate for the County of Essex That the Proceeds of such Sale be dispos'd of as follows viz One third of the Income for the Use of the Widow during Life the remainder (after payment of the Just Debts) to be distributed among the several Heirs of the Dec'd according to Law, and after the Decease of the Widow the Dower be likewise divided amongst the Heirs. [*Passed April 2.*

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## CHAPTER 419.

### ORDER IN REGARD TO THE DISCHARGE OF JACOB FOSTER AND SAMUEL NUTTING FROM GOAL.

Legislative Records of the Council, xxi., 460. Mass. Archives, xliv., 364.

Mass. Archives, xliv., 363, 365. House Journal, p. 386. Province Laws, ii., 1069, chap. 6.

A PETITION of Jacob Foster of Holliston in the County of Middlesex Setting forth that he is now a Prisoner for debt in Cambridge Goal; that he hath honestly made known, his Circumstances; & offered his Estate to his Creditors; & on the 31 January last applied to M$^{r}$ Foxcroft & M$^{r}$ Danforth, two of his Majesty's Justices of Peace & Quorum Unus, in order to take the Oath provided by Law for the Releif of Poor Prisoners for debt, who appointed to meet at the Goal on the fourteenth day of March then next after; & the Creditors were notified accordingly, but M$^{r}$ Foxcroft being ill could not attend; & so nothing was done for his Releif: whereupon M$^{r}$ Justice Danforth issued a new Notification to the Creditors to appear on the 21 day of March, & M$^{r}$ Justice Mason was to act in the room of M$^{r}$ Foxcroft but this second Appointment of the Justices failing likewise, he is still without Releif, & prays the Interposition of this Court.

Read and

*Ordered* that the Prayer of this & the annexed Petition [viz$^{t}$ of Samuel Nutting for the like Releif] [1] be so far granted as that Samuel Danforth Esq$^{r}$ together with any other Justice of peace for the County of Middlesex be & hereby are impowered to proceed with regard to the discharge of the Petitioners and in consequence of the notifications already given in like manner as the said Samuel Danforth together with Francis Foxcroft Esqr who is unable to act by reason of sickness might have done had they both been present. [*Passed April 4.*

[1] Inserted from Legislative Records of the Council, xxi., 460. For the petition see Mass. Archives, xliv., 365.

## CHAPTER 420.

ORDER IMPOWERING JOHN HARVEY, ADM^R^, TO SELL LAND.

A PETITION of John Harvey of Petersborough in the Province of New Hampshire, Administrator on the Estate of John Perbles a proper Inhabitant of the Province of the Massachusetts Bay. deceased. Setting forth that the deceased died seized of two Tracts of Land in the County of Worcester apprized in the whole at One hundred and forty nine pounds. That he obtained leave of the Superior Court to sell One hundred pounds worth of said Lands for payment of the deceaseds debts, since which other debts have appeared to the amount of Seventeen Pounds, that it is not likely that the Lands will sell for the apprized value unless sold together

Therefore praying he may be impowered to sell the whole; he to be accountable.

Read and

*Ordered* that the Prayer of the Pet^n^ be so far granted, As that the Pet^r^ in his Capacity as adm^r^ be and hereby is impowered to make Sale of the lands lying in Rutland (belonging to the Dec'd) for the most they will sell for, and to Execute a good Deed or Deeds in the Law for the same. He first observing the Directions of the Law respecting the Sale of real Estates and giving Security to the Judge of Probate for the County of Worcester to Account for the proceeds thereof. [*Passed April 4.*[1]

Legislative Records of the Council, xxi., 461. Mass. Archives, xiv., 13.

Mass. Archives, xiv., 12, 14. House Journal, pp. 381, 385. Province Laws, ii., 151, chap. 10.

## CHAPTER 421.

ORDER DIRECTING THE PROVINCE TREASURER NOT TO DEDUCT PAYMENT FOR A GUN FROM WAGES OF EPHRAIM HARVEY.

A PETITION of Lydia Harvey Wife of Ephraim Harvey deceased & Administrator on his Estate Setting forth that her said late Husband was a Soldier in the Crown Point Expedition in the year 1756 & died in the Service, & that the Ensign of the Company returned his Gun into the Store at Half Moon, therefore praying there may be no Stoppage or Deduction from his Wages on account of said Gun.

Read and

*Ordered* that the Prayer of this Pet^n^ be granted, and the Treasurer is accordingly directed in paying the Wages of the said Ephraim Harvey not to make any Deduction for the said Ephraim's Gun. [*Passed April 4.*[2]

Legislative Records of the Council, xxi., 461. Mass. Archives, lxxvi., 401.

House Journal, p. 385. *Ante*, p. 695, chap. 416.

[1] The date given in Mass. Archives as final, in Council, is April 3, evidently a mistake, as it passed the House first on April 4.

[2] The date given in Mass. Archives, as final, in Council, is April 2, evidently a mistake, as the order gives the date of its having passed the House on April 4.

## CHAPTER 422.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY JOHN KING HIS WAGES IN FULL.

Legislative Records of the Council, xxi., 462. Mass. Archives, lxxvi., 397.

House Journal, pp. 379, 387. *Ante*, p. 695, chap. 416.

A PETITION of John King of Plymouth in the County of Plymouth, a Soldier in the Expedition to the Westward the last Year. Setting forth that he came home sick, from the army, & being unable to bring his Pack & his Gun, he left them with a Waggoner, who had brought him part of the way on his Journey; & the Small Pox being at Albany; he was afraid to go thither to recover them therefore praying that there may be no deduction from his Wages for his Gun, which he has lost as aforesaid.

Read and

*Ordered* that the Treasurer be directed to pay the Petr his full Wages. [*Passed April 4.*

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## CHAPTER 423.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY MOSES LELAND THE WAGES OF HIS SERVANT IN FULL.

Legislative Records of the Council, xxi., 463. Mass. Archives, lxxvi., 410.

House Journal, pp. 379, 387. *Ante*, p. 695, chap. 416.

A PETITION of Moses Leland Setting forth that He had a Servant one Ebenezer Bly impressed into the Service on the late intended Expedition against Crown Point, where being charged with the Care of the Sick, he lost his Gun, and praying that there may be no deduction from his Wages on that account.

Read and

*Ordered* that the Treasurer be directed to allow the Petr his full Wages. [*Passed April 4.*

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## CHAPTER 424.

ORDER ALLOWING £4 TO DAVID ROWE.

Legislative Records of the Council, xxi., 463. Mass. Archives, lxxvi., 512.

Mass. Archives, lxxvi., 512. House Journal, pp. 379, 387. *Ante*, p. 695, chap. 416.

A PETITION of David Rowe an Ensign in the late intended Expedition to Crown Point Setting forth that he was ordered (with Others) to send his Gun to the Armourer, which he accordingly did, & when he came to demand it again, was told it was stolen & likewise setting forth that he was made up one Month short in the muster Roll. therefore praying for Releif.

Read and

*Ordered* that the four pounds stop'd on Acct of the Gun, be paid out of the publick Treasury to the Petr. [*Passed April 4.*

## CHAPTER 425.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY ROBERT EASTABROOK HIS WAGES IN FULL.

A PETITION of Robert Eastabrooks Praying that no deduction be made from his Wages on account of his Gun which by order he left with the Centry at Saratogo, while he went into the fort there for Refreshment, & was there stolen from him.

Read and

*Ordered* that the Treasurer be directed to pay the Petr his full Wages. [*Passed April 4.*

Legislative Records of the Council, xxi., 463. Mass. Archives, lxxvi., 495.

House Journal, pp. 379, 387. *Ante*, p. 695, chap. 416.

## CHAPTER 426.

ORDER ALLOWING 31/5 TO SAML COOK.

A PETITION of Samuel Cook of Simsbury, formerly of Hopkinton Setting forth that he was a Soldier in the Cape Breton Expedition in the year 1745 that he removed out of the Government before he called for his Wages, and that they are still due, therefore praying an Order for the Same.

Read and

*Ordered* that the Petr be paid out of the publick Treasury the sum of thirty one shillings and five pence in concideration of the Service within mentioned. [*Passed April 4.*

Legislative Records of the Council, xxi., 463. Mass. Archives, lxxvi., 453.

Mass. Archives, lxxvi., 452. House Journal, pp. 388, 389.

## CHAPTER 427.

ORDER IMPOWERING THE SHERIFF OF SUFFOLK COUNTY TO IMPRESS THIRTY SEAMEN.

*Ordered* that the Sheriff of the County of Suffolk be & hereby is impowered & directed to impress thirty Seamen for the manning of the Snow Prince of Wales Nathanael Dowse Commander in order to her proceeding upon her intended cruise as soon as may be. [*Passed April 5.*[1]

Legislative Records of the Council, xxi., 465. Mass. Archives, lxv., 330.

Legislative Records of the Council, xxi., 464. House Journal, pp. 390, 392. Province Laws, iii., 989, chap. 12.

## CHAPTER 428.

ORDER FOR THE TRANSFER OF £500 FROM THE APPROPRIATION FOR GRANTS TO THE APPROPRIATION FOR FORTS & GARRISONS.

*Ordered* That a Transfer be made from the Appropriation for Grants to the Appropriation for Forts & Garrisons, of five hundred Pounds in order to enable the Committee appointed to cause necessary Repairs &c to be made at Castle William to proceed in that Service. [*Passed April 6.*

Legislative Records of the Council, xxi., 459, 465.

House Journal, p. 381. Province Laws, iii., 980, chap. 3.

[1] Governor Shirley being absent, and the Lieutenant Governor having died (April 4, 1757), the Executive consent (noted in the records) developed upon the major part of the Council by the charter of 1692. This state of affairs lasted till the arrival of Governor Thomas Pownal, August 3, 1757.

## CHAPTER 429.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY ELIJAH INGRAHAM HIS WAGES IN FULL.

Legislative Records of the Council, xxi., 465.

House Journal, p. 396.

*Voted* That the Treasurer be & hereby is directed in paying of the Wages of Elijah Ingraham not to make any Stoppage for the said Elijah's, Gun inasmuch as it was returned into the Stores at Fort William Henry in December last by Ensign Samuel Williams. [*Passed April 6.*

## CHAPTER 430.

VOTE FOR SELLING FOUR CANOES AT SANDWICH BELONGING TO FRENCH NEUTRALS.

Legislative Records of the Council, xxi., 465. Mass. Archives, xxiii., 384.

House Journal, p. 396. *Ante*, p. 679, chap. 386.

In the House of Rep^ves^

It being represented to this House that there are four Canoes left by the French Neutrals (who deserted from the Southern Governments) at Sandwich Which are in danger of being Useless if not soon dispos'd of Therefore

*Voted* that Roland Cotton Esq^r^ be directed to Sell said Boats at publick Vandue for the most they will Sell for, and after the necessary Charges due to several Persons Who have had the care of them are deducted that He be accountable to this Court for the Overpluss.

In Council Read & concurred. [*Passed April 6.*

## CHAPTER 431.

ORDER DIRECTING THE COMMITTEE OF WAR TO FURNISH ARMS, TENTS, &c.

Legislative Records of the Council, xxi., 462, 465.

House Journal, p. 389. Province Laws, iii., 1079, note. *Ante*, p. 443, chap. 282; p. 659, chap. 321.

*Ordered* That the Committee of War be directed to furnish the Forces raised for the present Expedition with necessary Arms. & Bayonets. And that they compleat Tents for eighteen hundred Men as soon as may be. [*Passed April 6.*

## CHAPTER 432.

ORDER IMPOWERING THE CHILDREN OF DOROTHY MONK TO JOIN WITH RALPH HOLBROOK IN THE SALE OF AN ESTATE.

Legislative Records of the Council, xxi., 466. Mass. Archives, xix., 531.

Mass. Archives, xix., 530. House Journal, pp. 382, 388, 389.

A PETITION of Samuel Stone & Others, Children & Representatives of all the Children of Dorothy Monk, late of Roxbury deceased Daughter of William & Dorothy Bosson of said Roxbury deceased Setting forth that the said William & Dorothy had in their life time given a certain Messuage Shop &^c^ in Roxbury to John Holbrook since deceased & his Heirs forever in trust for the benefit of the said Dorothy & her Heirs lawfully begotten forever. That the Buildings are gone to decay, and all Parties concerned desirous of having the Estate sold Therefore praying the Inter-

position of this Court; & that they would take off the Incumbrance & grant power to sell the Estate for the Benefit of those Interested therein.

[Read and]

*Ordered* that the Prayer of this Petition be granted & the Children of Dorothy Monk Deceased be, & they hereby are Authorized & Impowered To Joyn with Ralph Holbrook in the sale of the Messuage & premisses within Mentioned & To make & Execute a Sufficient deed or deeds thereof which when recorded In the Register's Office of the County in which the Premisses are shall be Valid To all Intents & Purposes in the Law. [*Passed April 6.*

## CHAPTER 433.

ORDER IMPOWERING MEHETABLE RICE, ADM^X^, TO SELL AN ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Mehitabel Rice, Widow & administratrix on the Estate of Jedediah Rice late of Hardwick in the County of Worcester, Phisician deceased Setting forth that her said late Husband's Real Estate in Hardwick aforesaid is estimated at about One hundred & twenty Pounds, Value, & that it will be necessary to sell the greater part of it for the payment of the deceased's debts; & that it would greatly injure the Estate to sell off a part only. Therefore praying liberty to sell the Whole, She to be accountable.

Legislative Records of the Council, xxi., 466. Mass. Archives, xix., 521.

Mass. Archives, xix., 522. House Journal, pp. 381, 389.

Read and in answer

*Ordered* that the Pet^r^ in her capacity within mentioned be and she hereby is Impowered to make Sale of the Deceased's Estate lying in Hardwick for the most the same will fetch and to Execute a good Deeds for the same The Proceeds to be applyed as follows Viz. The income of one third thereof to be for the Use of the Widow of the Deceased during her Life And after the Just Debts are paid that the remaining two thirds be divided among the proper Heirs; and after the Death of the Widow that the said third also be divided among the Heirs: Provided sufficient Caution be first given to the Judge of Probate for the County of Worcester for the performance of the above Order. [*Passed April 6.*

## CHAPTER 434.

ORDER ALLOWING £2. 4. 1 AND A FURTHER SUM OF 26/8 TO GIDEON HENDERSON.

A PETITION of Gideon Henderson of Sunderland Setting forth that his Servant Shadrech Bedorthy served as a Soldier in the Cape Breton Expedition, & was provided with a Gun by the Petitioner; that his said Servant died in the Service by which means his Gun together with all his Cloathing was lost, & that the Petitioner has never till within a few months past been able to come at the knowledge of what was due on account of his said Servants Wages, & hath as yet received no part thereof

Legislative Records of the Council, xxi., 467. Mass. Archives, lxxvi., 440.

House Journal, pp. 383, 384, 390.

Therefore praying he may have an order for the ballance due on the Mustor Roll, & also what may be thought reasonable on account of his Loss abovementioned.

Read and

*Ordered*, That there be allowed & paid out of y^e^ Public Treasury to y^e^ Pet^r^ the Sum of two pounds four Shillings And one peny being the bal^a^ due on y^e^ Muster Roll of Cap^t^ Jon^a^ Hubbard for his said Servants Wages, & y^e^ further sum of Twenty six Shill^s^ & 8^d^ for y^e^ Loss of his Gun as mentioned. [*Passed April 6.*

## CHAPTER 435.

ORDER AND VOTES ALLOWING £150 FOR FORTIFICATION TO PROTECT PROVINCE TOWN AND TRURO, &^c^.

Legislative Records of the Council, xxi., 467. Mass. Archives, cxvii., 284.

A PETITION of Joshua Atkins & Others; praying that this Court would grant a Sum of money for fortifying Province Town, Harbour; & a number of Cannon for its defence,

Read and in Answer hereto

Mass. Archives, cxvii., 282, 283. House Journal, pp. 379, 383.

*Ordered* that M^r^ Joshua Atkins Maj^r^ Zoheth Smith and Cap^t^ Solomon Pepper be and they hereby are directed and impowered (with the Cap^t^ Gen^l's^ Order and Leave) to Erect a small Battery (as soon as may be) of Six Carraige Guns in the most suitable place near the Harbour in Province Town; in order to Secure the Navigation frequently at Anchor in said Harbour; as also to Protect the Inhabitants of the Towns of Truro and Province Town

*Voted* also that the Cap^t^ Gen^l^ be desired to give Order to the Commissary General to deliver to the said Comm^ee^ (or their order) five Cannon of the following Dimensions Viz two Nine two Six and one four Pounder, in addition to the One already there, with a Suitable Quantity of Powder and Ball for the Use of said Cannon

Also

*Voted* that the Sum of one hundred and fifty pounds be allowed to be paid out of the publick Treasury to said Comm^ee^ to Enable them to build said Battery and Carraiges (they to be accountable). Provided the Inhabitants of said Towns keep and maintain said Battery and Carraiges in repair at their own Cost and Charge with a Sufficient Number of Men and Provisions: And when the War with the French ceases That they return the Cannon and And[1] Ammunition that shall remain, into the Commissary General's Office

*Voted* also That the Inhab^ts^ of said Town[s] of Province Town and Truro be exempted from Impresses, so long as the present War continues, and they perform the Duties beforementioned. [*Passed April 6.*

## CHAPTER 436.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY ISAAC HARRINGTON, J^R^., HIS WAGES IN FULL.

Legislative Records of the Council, xxi., 468. Mass. Archives, lxxvi., 411.

A PETITION of Isaac Harrington jun^r^ of Grafton Setting forth that He was a Soldier in the late Expedition against Crown Point and found his own Gun having the promise of two Dollars for the Use of it; but that in making up the Muster Roll there has been four pounds deducted from his Wages upon the presumption that he had

House Journal, pp. 379, 388.

[1] *Sic.*

received one of the Kings Arms & had not returned it; Therefore praying Releif

Read And

*Ordered*, That the Treasurer be & hereby is directed to pay the petitioner his full Wages. [*Passed April 6.*

*Ante*, p. 513, chap. 459; p. 695, chap. 416.

## CHAPTER 437.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY SAMUEL EDDY THE WAGES OF JONATHAN EDDY IN FULL.

A PETITION of Samuel Eddy of Oxford Setting forth that his Son Jonathan Eddy [was] a Soldier in the last Crown Point Expedition, and Setting forth that his said Son died at Fort Edward; & that he could never learn what became of his Gun, but that there has been a deduction made from his Wages of Four pounds by reason of said Gun's not being returned & praying for Releif.

Read &

*Ordered*, That y^e^ Treasurer be & hereby is directed to pay y^e^ Petitioner y^e^ full Wages due to his Son Jonathan Eddy deceased. [*Passed April 6.*

Legislative Records of the Council, xxi., 468. Mass. Archives, lxxvi., 496.

Mass. Archives, lxxvi., 496. House Journal, pp. 379, 388.

## CHAPTER 438.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY STEPHEN SHUMWAY HIS WAGES IN FULL.

IT APPEARING by the deposition of Southerick Hebberd That Stephen Shumway a Soldier in the late Crown Point Expedition being sick at Still water was unable to carry his Gun & delivered the Same to the Deponent who afterwards delivered it to M^r^ Commissary Brown.

Read and

*Ordered*, That the Treasurer be and hereby is directed to pay to y^e^ Person who has a right to receive the same the full Wages which were due to y^e^ within named Stephen Shumway. [*Passed April 6.*

Legislative Records of the Council, xxi., 469. Mass. Archives, lxxvi., 390.

House Journal, pp. 379, 388.

## CHAPTER 439.

ORDER ALLOWING 32/ TO DANIEL EPES, JUN^R^.

A PETITION of Daniel Epes jun^r^ of Danvers, Setting forth that by Virtue of a Warrant from Col^o^ Plaistead he impressed a Gun for one Charles Dwimell a Soldier in the Crown Point Expedition in the Year 1755, apprized at one Pound twelve shillings; which was afterwards returned into the Commissary's Store; but cannot now be found, & returned to the Owner Therefore praying an Order for the Apprized Value.

Read and

*Ordered* That y^e^ Prayer of this Petition be granted; & that there

Legislative Records of the Council, xxi., 470. Mass. Archives, lxxvi., 498.

House Journal, pp. 396, 397.

be allowed & paid out of y^e^ public Treasury to the Petitioner for y^e^ use of y^e^ Owner of the Gun Mentioned the sum of thirty two Shillings. [*Passed April 7.*

## CHAPTER 440.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY ELIJAH HAWLEY THE AMOUNT OF HIS SUBSISTENCE IN FULL.

Legislative Records of the Council, xxi., 470. Mass. Archives, lxxvi., 381.

UPON THE DEPOSITION of Reuben Dickinson & Joshua Ballard testifying that Elijah Hawley a Soldier in the Crown Point Expedition in the year 1755 since deceased, returned from the Army without any Expence to the Government.

Mass. Archives, lxxvi., 380. House Journal, p. 401.

Read And

*Ordered*, That the Treasurer be & hereby is directed to pay to M^r^ Josiah Pierce for y^e^ Use of Sam^l^ Hawley jun^r^ the full allowance due to y^e^ said Elijah Hawley since dec^d^ for his Subsistance on his return from y^e^ Army at Lake George in 1755 as made up in y^e^ Muster Roll of y^e^ Comp^a^ he belonged to. [*Passed April 7.*

## CHAPTER 441.

ORDER ALLOWING £600 TO MAJOR GENERAL JOHN WINSLOW.

Legislative Records of the Council, xxi., 471. Mass. Archives, lxxvi., 615.

UPON THE MEMORIAL of John Winslow Esq^r^ General of the Forces raised in 1756 for the Defence & Protection of his Majesty's Territories, & for Removing the Encroachments of the French at Crown Point, & the Lake Iroquois.

House Journal, pp. 344, 345, 402, 403. *Ante*, p. 505, chap. 440.

*Ordered*, That there be allowed and paid out of the public Treasury to John Winslow Esq^r^ Major General & Commander in Chief of the Provincial Forces Employed in the late Expedition against Crownpoint, the Sum of Six hundred Pounds (in Addition to what he has Already received) in full Consideration of his faithful discharge of that Important Trust reposed in him. [*Passed April 7.*

## CHAPTER 442.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF MIDDLESEX AND ALLOWING £2.4 FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 471.

THE COMMITTEE appointed the 8^th^ February last to farm out the Excise on spirituous Liquors in the County of Middlesex made report of their Doings therein, having sold the Same to W^m^ Story of Boston for Nine hundred & three Pounds, & presented their Account of Expence amounting to Two Pounds four shillings, for which they prayed Allowance.

House Journal, p. 391. Province Laws, iii., 1072, note. *Ante*, p. 661, chap. 328.

Read & Accepted &

*Ordered* That there be allowed & payed out of the Public Treas-

ury to the said Committee the Sum of Two pounds four shillings in discharge of their account of time & expences exhibited. [*Passed April 7.*

## CHAPTER 443.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING THE EXCISE FOR THE COUNTY OF SUFFOLK AND ALLOWING £3. 6. 8 FOR THE EXPENSE THEREOF.

THE COMMITTEE for farming the Excise in the County of Suffolk made report that they had sold the same to M^r^ William Coffin for three thousand & eighteen pounds and prayed Allowance of their Expences amounting to three pounds six shillings and eight Pence.

Legislative Records of the Council, xxi., 471.

Read &

*Ordered* That this Report be accepted. And that there be allowed & paid out of the Public Treasury to the said Committee the Sum of three Pounds six shillings & eight pence in discharge of their account of time & expences exhibited. [*Passed April 7.*

House Journal, p. 390. *Ante*, p. 660, chap. 326.

## CHAPTER 444.

ORDER IMPOWERING THOMAS GILBERT, JR., ADM^R^, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Thomas Gilbert Jun^r^ Administrator on the Estate of Josiah Gilbert late of Brookfeild deceased Setting forth that the deceaseds Real Estate in Brookfeild was apprized at two hundred sixty six pounds thirteen shillings & four pence; That the Deceaseds debts amount to seventy four Pounds nineteen shillings & six pence more than his personal Estate; & inasmuch as it will greatly injure the Estate to sell off such part only as will be sufficient to pay the debts, He prays that he may have liberty to sell the whole, he to be accountable.

Legislative Records of the Council, xxi., 472. Mass. Archives, xix., 524.

Mass. Archives, xix., 523. House Journal, pp. 285, 381, 391. Province Laws, ii., 151, chap. 10.

Read and

*Ordered* That the Prayer of this Petition be so far granted as That y^e^ Pet^r^ in his said Capacity be & he hereby is impowered to make Sale of the said dec^d's^ real Estate lying in Brookfield for the most the same Will fetch, & to pass & Execute a good Deed or Deeds in the Law for conveying the same, he Observing the directions of the Law relating to the sale of real Estates by Exec^rs^ & admin^rs^ & the proceeds thereof to be applied as follows, viz^t^ the Income of One third thereof to be for the use of the said deceased's Widow & after the Debts &c are paid, the other two thirds be divided among the proper & legall Heirs of said Deceased And at y^e^ Death of y^e^ Widow the said third be also divided among the proper heirs of s^d^ deceased that may then be, and That sufficient Caution be given to the Judge of Probates &c for the County of Worcester Accordingly. [*Passed April 7.*

## CHAPTER 445.

ORDER CONFIRMING THE ASSESSMENT OF 1756 IN THE TOWN OF TAUNTON, AND IMPOWERING THE COLLECTION THEREOF.

Legislative Records of the Council, xxi., 472.

House Journal, pp. 387, 392. Province Laws, iii., 1055, note.

A PETITION of George Godfrey & John Adam, Assessors of the Town of Taunton Setting forth that they had assessed sundry Persons in said Town for their Polls, who were under the age of twenty one years, some of which Persons, although trading for themselves, & having no Parents, Masters or Guardians to pay said Tax, yet refuse paying it themselves THEREFORE praying that the said Taxes for the year 1756 may be confirmed or established; which otherwise must produce great confusion & sundry Law suits.

Read &

*Ordered* That the Prayer of this Petition be so far granted as that the Tax mentioned for the year 1756 be & hereby is confirmed (any pretended Mistake therein mentioned notwithstanding) And that the Constables to whom the said Tax was committed to collect, be, & they hereby are fully authorized & impowered to collect the same. [*Passed April 7.*

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## CHAPTER 446.

ORDER ALLOWING 21/9 TO DAVID COOK AND 34/3 TO LEWIS DIESH.

Legislative Records of the Council, xxi., 473. Mass. Archives, lxxvi., 531.

Mass. Archives, lxxvi., 530. House Journal, p. 391.

A PETITION of David Cook & Lewis Diesh Setting forth that they were last Year in his Majesty's Service, & have been made up short in the Muster Roll. And praying for Releif.

Read and

*Ordered*, That there be allowed and paid out of the public Treasury to the Pet$^{r}$ David Cook y$^{e}$ sum of twenty one Shillings & nine pence & to y$^{e}$ Pet$^{r}$ Lewis Diesh the sum of thirty four Shillings & three pence in Consideration of their Wages being made up so much short in the Muster Roll of y$^{e}$ Comp$^{a}$ they belonged to. [*Passed April 7.*

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## CHAPTER 447.

ORDER ALLOWING 37/4 TO JOHN STOCKWELL.

Legislative Records of the Council, xxi., 470. Mass. Archives, lxxvi., 497.

Mass. Archives, lxxvi., 497. House Journal, pp. 379, 388.

A PETITION of John Stockwell of Sutton in the County of Worcester Setting forth that his Son John Stockwell; a Soldier in the late Expedition against Crown Point, carried his own Gun with him, but dying at Fort William Henry said Gun (together with his Sons Cloathing) is lost Therefore praying an Allowance.

Read and

*Ordered*, That there be allowed & paid out of the public Treasury to Cap$^{t}$ Henry King for y$^{e}$ use of the Petitioner the sum of

thirty seven Shillings & four pence, in Consideration of the Gun lost by his Son whilst in y^e^ Service on y^e^ late Expedition against Crown-point. [*Passed April 8.*[1]

## CHAPTER 448.

VOTES ESTABLISHING GARRISONS FOR THE EASTERN AND WESTERN FRONTIERS, BOUNTY FOR INDIAN CAPTIVES AND SCALPS, AND PAY AND SUBSISTENCE FOR OFFICERS AND SOLDIERS.

*Voted* that the following Establishment be made for the Defence and protection of the Frontiers East and West. Viz^t^

Legislative Records of the Council, xxi., 473. Mass. Archives, lxxvi., 635.

In the Eastern Frontiers.

That Fort Halifax, and the Storehouse at Cushnoc, be Garrisoned with eighty Men, and no more, including a Captain one Lieu^t^ three Seargents, four Corporals, one Drummer, one Armourer and a Chaplain.

House Journal, pp. 403, 404, 405, 406. *Ante*, p. 694, chap. 415.

Fort Brunswick with five Men and no more, including one Seargent.

The Truck House at S^t^ George's with thirty five Men & no more, including a Captain one Lieutenant, one Sergeant, Two Corporal. One Drummer & One Armourer

The Truck house at Saco within fifteen Men and no more including one Lieutenant one Seargent & one Corporal and That Ten men of the Inhabitants of New Marblehead One of whom to be a Sergeant, Alternatively Put Into the Pay & Subsistence of the Goverment & that s^d^ Pay & Subsistence be Divided among s^d^ Inhabitants

Fort Fredrick at Pemaquid with twenty Men and no more including one Lieutenant, one Sergeant and one Corporal.

And for the further Defence of the Eastern Frontiers.

That a Marching Army be raised by Inlistment consisting of two hundred and sixty Men exclusive of Commission Officers, and that they be constantly employed in Scouting, and their destination be as follows viz^t^ that forty three Men be employed in Scouting from Salmon Fall River at the head of the Town called Lebanon to Saco River. Fifty Men from Saco River to New Boston by the way of Pearson and Hobbs Town, and new Glocester. Eighty Men from New Boston to Kennebeck River; And eighty seven Men from Frankfort to the Truck-house at S^t^ George's; and that there be ten effective Men of the Inhabitants of New Glocester one of whom to be a Seargent alternately to be put into the pay and Subsistance of the Government, the said pay and Subsistance to be divided amongst the Inhabitants; And that there be ten of the Inhabitants of Pearson & Hobb's Town one of whom to be a Seargent alternately put into the pay & subsistance of this Government, & that said pay & subsistance be equally divided amongst the Inhabitants. and eighteen more at Broad Bay one of whom to be a Seargent, to be employed in protecting the Inhabitants when at their Labour, and for a Guard to the Coaster when loading Thier Lumber &c^a^; And that there be six Men at Burton's Garrison in George's River, one of whom to be a Seargent; and six more at Henderson's Garrison at the entrance of said River, one of whom to be a Seargent,

[1] This date is according to Mass. Archives; according to Legislative Records of the Council the date is April 7.

which twelve Men last mentioned shall be under the direction of the Captain of the Scouting Company at S[t] George's.

That a Bounty of two Dollars be given to each Soldier that may Inlist into the Scouting Service aforesaid, and shall find his own Gun that there be but Two Commission Officers viz[t] a Captain & Lieutenant to a Company of not less than forty men.

And for a Security to the Western Frontiers.

That there be forty men at Hoosuck and no more, thirty whereof to be posted at Fort Massachusetts, and ten at the West Township, the said ten to be Inhabitants of said Township, if there should be so many effective Inhabitants for the Service, always including the Men that shall have been concerned in Building the Block-house, agreeable to the Vote of this Court 28 January 1756, the said forty Men including one Captain, one Lieutenant, one Seargent two Corporals, one Drummer and a Chaplain. At Fall Town two Garrisons sixteen Men and no more including one Seargent at each Garrison.

At Colerain four Garrisons thirty Men and no more including one Lieutenant and two Seargents.

At Charlemont two Garrisons Viz[t] Taylors & Hawks twenty four Men and no more including one Sergeant at each Garrison the Men now posted at each place to be accounted part of said Forces and the whole to be constantly employed in Scouting as formerly.

At Northfield and Greenfield twenty eight Men & no more including one Seargent at each place.

At Pontoosuck sixteen Men and no more viz[t] eight at Williams's Garrison, and eight at Goodrich's Garrison including those already posted there, the said sixteen Men inclusive of one Seargent at each Garrison

At Stockbridge sixteen Men and no more, including one Seargent & one Corporal.

At Hunt's Town ten Men and no more including one Seargent.

The aforesaid Men on the Western Frontiers to be under the Command of a Captain, and that there be an Amourer in the Western Frontiers.

Also that there be allowed thirty Men to be imployed in Scouting between Connecticutt & Merimack Rivers, inclusive of one Lieutenant, one Seargent and one Corporal, and that there be a Bounty of two Dollars given to each Soldier that shall Inlist into said Service on the Western Frontiers and find his own Gun except those now in the Service.

That the Establishment be for a Term not exceeding three Months from the first day of April instant, or untill the further Order of this Court, and that the pay or subsistance of the Soldiers that may be inlisted as aforesaid commence on the day of their Inlistment and that an Establishment be made accordingly, and that the Subsistance for the Soldiers in the Western Frontiers be as follows: Viz[t]

At Pontoosuck four shillings & eight pence ℔ Week

At West Hoosuck five shillings & four pence ℔ Week

At Fort Massachusetts six shillings ℔ Week

At Charlemont, Colerain, & Fall Town five shillings and four pence ℔ Week.

And at all other places four shillings ℔ Week Saveing the thirty scouts between Connecticut & Merrimack rivers which shall be five shillings & four pence ℔ week

And that Application be made to the Government of Connecticutt

to supply us with thirty two Men, if they think proper for Stockbridge and pontoosuck.

And that the following Bounty be granted and allowed to the Soldiers imployed in the Service of this Province in the Eastern and Western Frontiers to be paid out of the publick Treasury over and above the Encouragement aforesaid

Viz$^{t}$ For every Indian Prisoner above Twelve Years of Age that shall be taken and brought to Boston Fifty Pounds.

For every Scalp of an Indian above twelve Years old brought in as Evidence of their being kill'd Forty Pounds.

For every Indian Prisoner under twelve Years old taken and brought in as aforesaid Twenty five Pounds.

For every Scalp of an Indian under twelve Years old brought in as Evidence of their being kill'd as aforesaid Twenty pounds.

And this shall be the only Encouragement for the Soldiers any Vote or Votes of this Court to the contrary notwithstanding.

also

*Voted* that the following Establishment of Wages be made for the officers and Soldiers on the Eastern Western and Northern Frontiers, for a Term not exceeding three Months from the first day of April instant. Viz$^{t}$

| | | | | | |
|---|---|---|---|---|---|
| For a Capting of the marching Forces . . . . . | £4. | 16. | | ℔ | Month |
| For one Lieutenant . . . . . | 3. | 4 | | ℔ | D° |
| For three Seargents each . . . . . | 1. | 14. | 1 | ℔ | D° |
| For 2 Corporals each . . . . . | 1. | 9. | 10 | ℔ | D° |
| For a Centinel . . . . . | 1. | 6. | 8 | ℔ | D° |

And for the Garrison Officers and Soldiers Viz$^{t}$

| | | | | |
|---|---|---|---|---|
| For a Captain . . . . . | £4. | | ℔ | Month |
| For a Lieutenant . . . . . | 3. | | ℔ | D° |
| For a Seargent . . . . . | 1. | 10. | ℔ | D° |
| For a Corporal . . . . . | 1. | 8 | ℔ | D° |
| For a Drummer . . . . . | 1. | 8. | ℔ | D° |
| For a Centinel . . . . . | 1. | 4. | ℔ | D° |
| For a Armourer . . . . . | 2. | | ℔ | D° |
| For a Chaplain at Fort Massachusetts and Fort Halifax each . | 5. | | ℔ | D° |

Also

*Voted* that if the Establishment aforesaid be continued longer than beforementioned so as to bring Hay time and Harvest, that then the Destination of the Marching Forces Eastward be so far altered as that they shall be ordered to guard the Inhabitants in getting their Hay and Harvest in. and that the Commissary General be directed to send the provisions for the Companies aforementioned, as near as he conveniently can to their head Quarters. [*Passed April 8.*

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## CHAPTER 449.

ORDER ACCEPTING REPORT OF COMMITTEE ON MANNING PROVINCE VESSELS.

The Committee appointed to consider of some suitable method for manning the Province Ship & Snow, & of the number of Men needfull for that Purpose Reported as follows. Legislative Records of the Council, xxi., 478. Mass. Archives, lxv., 338.

That there be one hundred & twenty five Men allowed for manning the Ship Officers included.

And for the Snow Eighty five Men, Officers included. Legislative Records of the Council, xxi.,

464. House Journal, pp. 390, 415. *Ante*, p. 608, chap. 194.

And for Encouragement of able Men to inlist in the above Service, that one month's Wages be advanced to each private Man that shall inlist to be deducted out of his Pay. And that the Impost Officer be directed to pay into the Province Treasury what Sums he has collected by Virtue of the Act for building the abovementioned Vessells to enable the Treasurer to pay the Same in manner as aforesaid.

JACOB WENDELL ℔ Order.

Read, and

*Ordered*, That this report be Accepted. [*Passed April 8.*

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## CHAPTER 450.

ORDER IMPOWERING JOSHUA WALKER, ADMR, TO SELL REAL ESTATE.

Legislative Records of the Council, xxi., 479. Mass. Archives, xix., 528.

House Journal, pp. 394, 401. *Ante*, p. 506, chap. 441.

A PETITION of Joshua Walker, Administrator on the Estate of Captn John Reed late of Woburn in the County of Middlesex deceased, Intestate Setting forth that the whole of the Deceaseds Estate, that is clear of Incumbrance is insufficient to pay his debts. That a part of the Estate was sett off to the Widow for her Dower; and that one Ralph Read holds another parcell of said Estate for Life Therefore praying that as the Creditors are unanimously desirous of it, He may be impowered to sell the Reversion for the benefit of the Creditors.

Read, And

*Ordered* That the Prayer of the Petition be granted, and that the Petitioner (in his Said Capacity of Admr on the Estate of John Read decd) be and hereby is impowered to make Sale of the remainder or reversion of the Two Estates withinmention'd for the use of the Creditors, the Said admr to Acct for the neat proceeds of the Same to the Judge of Probates for the County of Middlesex. [*Passed April 8.*

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## CHAPTER 451.

VOTE IMPOWERING ABIGAIL & EBENEZER WILLIAMS, ADMRS, TO RECONVEY LAND.

Legislative Records of the Council, xxi., 479. Mass. Archives, xix., 526.

Mass. Archives, xix., 525. House Journal, pp. 403, 408.

A PETITION of Abigail Williams, Widow, & Ebenezer Williams, Son of John Williams late of Easton in the County of Bristol deceased and Administrators on his Estate Setting forth That one Benjamin Williams of said Easton did on the 4th day of February 1744 execute a deed of One hundred Acres of Land in said Easton for the consideration Sum of One hundred & thirty Pounds. That to their certain knowledge the said deed was intended only to secure the Payment of the money aforesaid; that the whole of said Money was not repaid in the life time of the said John. but that Justice may be done to Benjamin the grantor They pray that they may be enabled to reconvey the said Estate to said Benjamin upon his compleating the Payment agreeable to the Intention of the contracting Parties.

[Read &]

*Voted* that Abigail Williams & Ebenezer Williams admrs on the

Estate of John Williams late of Easton Dec$^{d}$ be & they are hereby fully authorized & impowered in their said Capacity to reconvey the one Hundred Acres of Land in their Petition mentioned to the said Benjamin Williams upon his paying to them the Consideration money mentioned in his Deed to the said John Williams Dec$^{d}$ with the Lawfull interest & Depreciation of the same they the said Abigail & Ebenezer. Accounting for the Said money with the Judge of Probate for the County of Bristol. in order that the same may be Distributed among the heirs of the said John Williams Dec$^{d}$ agreeable to Law. & that the said Deed of reconveyance when Executed shall be Deemed as good & Effectual in Law as thô made by the said John in his life time. [*Passed April 8.*

## CHAPTER 452.

ORDER IMPOWERING MARY KENNEY, ADM$^{x}$, TO EXECUTE A DEED.

A PETITION of Mary Kenney of Sutton in the County of Worcester, Widow Setting forth that her late Husband Nathan Kenney deceased had agreed with one Israel Richards and accordingly had given him a Bond to convey to him Eighteen Acres of Land upon the Payment of a certain Sum of money, about two thirds of which is already paid Therefore praying that upon Payment of the Remainder being about Sixteen Pounds; She may be impowered in her capacity of Administratrix to fulfill said Agreement by executing a Deed for said Land.

Legislative Records of the Council, xxi., 480. Mass. Archives, xix., 546.

House Journal, pp. 381, 392, 393.

Read and

*Ordered*, That the Prayer of this Petition be granted, And That the Pet$^{r}$ in her said Capacity of Admin$^{x}$ be & she hereby is impowered (upon her receiving the Money due on the Contract made by her said Husband) to pass & execute a good Deed of Sale of the Lands mentioned in said Petition agreeable to the Contract & Condition of the Bond given by the said deceased in his life time to y$^{e}$ said Israel Richards, She to be accountable to the Judge of Probate &c for the County of Worcester, for the Money she shall receive therefor. [*Passed April 8.*

## CHAPTER 453.

ORDER IMPOWERING AMOS GATES, GUARDIAN, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Amos Gates of Stow in the County of Middlesex Guardian to Prudence Gates of said Stow, a Person Noncompos Setting forth that the said Prudence hath a Real Estate in said Stow worth about Fifty or Sixty Pounds the Income of which the last year was only twenty Six shillings & eight pence; that there is now ten or twelve pounds due for her support, & that it will be necessary to raise the same out of said Estate, & that he apprehends it would be for the Interest of the Noncompos to sell the whole Estate Therefore praying that he may be impowered to make Sale of said Estate accordingly.

Legislative Records of the Council, xxi., 480. Mass. Archives, xix., 500.

Mass. Archives, xix., 502. House Journal, pp. 328, 331, 411.

Read and

*Ordered*, That y^e^ prayer of y^e^ Petit^n^ be granted; and y^t^ y^e^ Pet^r^ In his said Capacity of Guardian be & he hereby is impowered to make sale of the Land mentioned for y^e^ most y^e^ same will fetch, & to give a good & sufficient Deed or Deeds of Sale in y^e^ Law for y^e^ same, provided he give sufficient Caution to y^e^ Judge of Probate for y^e^ County of Midd^x^ to be Accountable for y^e^ produce thereof, and y^t^ after y^e^ just Debts are paid he will apply y^e^ remainder for y^e^ use of y^e^ widow to whom he is Guardian while She remains non Compos, And if she should be restored to y^e^ use of her reason again, will return what shall remain in his hands unto her, or to her lawfull heirs in case of her decease together with y^e^ Lawfull Interest y^e^ of. [*Passed April 8.*

## CHAPTER 454.

ORDER IMPOWERING THOMAS MELLEN, ADM^R^, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 481. Mass. Archives, xix., 545.

Mass. Archives, xix., 543. House Journal, pp. 401, 402, 415.

A PETITION of Thomas Mellen Administrator on the Estate of Benjamin Watkins late of Hopkinton Setting forth that the said Benj^a^ died seized of twenty three Acres and an half of Land in said Hopkinton apprized at two hundred & fifty pounds old tenor, that he left seven small Children which cannot be brought up nor the debts paid without the Sale of of [1] said Estate Therefore praying that he may be impowered to make Sale thereof for the purposes mentioned.

Read And

*Ordered*, That y^e^ prayer of this Pet^n^ be so far granted, as That y^e^ Pet^r^ in his s^d^ Capacity be & he hereby is impowered to make sale of y^e^ reall Estate mentioned for the most it will fetch, and to Make and execute a good & lawfull Deed or Deeds of Sale of y^e^ same, And to render an Acco^t^ of y^e^ proceeds thereof to y^e^ Judge of probate for y^e^ County of Midd^x^ That y^e^ overplus if any there be may be applied agreeable to Law. [*Passed April 8.*

## CHAPTER 455.

ORDER IMPOWERING SAMUEL AND DAVID BLANCHARD, ADM^RS^, TO SELL TWO THIRDS OF AN ESTATE.

Legislative Records of the Council, xxi., 481. Mass. Archives, xix., 537.

Mass. Archives, xix., 536. House Journal, pp. 395, 411.

A PETITION of Samuel Blanchard & David Blanchard Administrators on the Estate of John Blanchard late of Billerica in the County of Middlesex deceased Setting forth that the Estate of the Deceased has been represented Insolvent, and that a Petition has been preferred for liberty to sell a part of the Estate for payment of the Debts, which was accordingly granted by the Superior Court sitting in Middlesex, but the Part allowed to be sold was insufficient. Therefore praying liberty to sell two third parts of the Estate for the Purpose aforesaid.

Read and

*Ordered* That y^e^ Prayer of this Petition be granted, And That y^e^ Pet^rs^ in their said Capacity of Administrators on the Estate of

[1] *Sic.*

the said John Blanchard, be and hereby are impowered to make Sale of two thirds of y^e^ reall Estate of y^e^ Said John for the payment of his Debts, and to execute a Deed or Deeds for the same which when Compleated are hereby declared to be good & valid in Law to all intents & purposes, they giving sufficient Caution to y^e^ Judge of probate for y^e^ County of Midd^x^ for the proceeds of s^d^ Sale. [*Passed April 8.*

## CHAPTER 456.

ORDER ALLOWING 24/ TO JONATHAN MEACHAM.

A Petition of Jonathan Meacham Setting forth that He & his Brother William Meacham deceased were Soldiers in the Crown Point Expedition in the year 1755 & both carried their own Guns, but had neither of them opportunity to offer their said Guns to the Commissary of the Musters in order to obtain the Province Bounty for finding their own Arms. Therefore praying Releif.

Legislative Records of the Council, xxi., 482. Mass. Archives, lxxvi., 455.

Mass. Archives, lxxvi., 454. House Journal, pp. 387, 393. *Ante*, p. 367, chap. 97.

Read and

*Ordered* That there be allowed and paid out of the public Treasury to Israel Williams Esq^r^ for y^e^ use of the Petitioner the Sum of twenty four Shillings for the use of y^e^ two Guns Mentioned, in the Expedition against Crown-Point in 1755. [*Passed April 8.*

## CHAPTER 457.

ORDER IMPOWERING MARY FAULKNER, ADM^x^, TO SELL LAND AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Mary Faulkner of Andover in the County of Essex Administratrix on the Estate of her deceased Husband Abiel Faulkner late of said Andover

Legislative Records of the Council, xxi., 482. Mass. Archives, xix., 489.

Praying that she may be impowered to sell fourteen Acres & three quarters of Pasture Land, & a lease of ten Acres of Wood Land in Andover aforesaid for the Payment of the just debts of the deceased.

Mass. Archives, xix., 488. House Journal, pp. 396, 400.

Read and

*Ordered* That y^e^ Prayer of this Petition be so far granted as That y^e^ Pet^r^ (in her said Capacity) be and hereby is Authorized & impowered to make Sale of the fourteen Acres & three quarters of Land therein Mentioned, as also the Improvement of the thirteen Acres therein Mentioned, And that the produce thereof be applied to pay the just Debts of the said Abiel Faulkner dec^d^ & that y^e^ Overplus (if any there be) be secured to be divided agreeable to Law. [*Passed April 8.*

## CHAPTER 458.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY £1. 0. 6 TO ELISABETH MERRILL, ADM^x.

Legislative Records of the Council, xxi., 482.

House Journal, p. 408.

*Voted* That the Treasurer be directed to pay unto the Widow Elisabeth Merrill Administratrix on the Estate of Stephen Merrill late of Tewksbury deceased One pound & six pence in full for the said Stephen's billeting himself in his return home from the Army in the year 1755. [*Passed April 8.*

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## CHAPTER 459.

ORDER CONFIRMING A PLAT OF 600 ACRES OF LAND TO JOHN BARNARD.

Legislative Records of the Council, xxi., 483. Mass. Archives, xlvi., 430.

Mass. Archives, xlvi., 429-434. House Journal, pp. 325, 326, 331, 414. Province Laws, x., 189, chap. 82; xii., 212, chap. 198; 317, chap. 129.

A PETITION of John Barnard of Road Town Setting forth that he was admitted many years since, a settler on his Father Doc^r John Barnard deceased his Right in Upper Housatonnock; that he released his said Right to a Committee of the General Court for the benefit of the Stockbridge Indians; in consideration whereof the said Committee agreed that He should have six hundred Acres of the unappropriated Lands of the Province in the County of Hampshire which he caused to be surveyed & laid out West of Hunstown so called, & presented a Plan thereof to the said Committee but it has so happened that he has never yet had a Confirmation of it

Therefore Praying that the said Six hundred Acres of Land agreeable to the original Plan & survey thereof may be now confirmed to Him.

Read and

*Ordered*, That the Prayer of this Pet^n be so far granted as that the Platt of the Land exhibited be and hereby is Confirmed to y^e Petitioner his Heirs & Assigns for ever, provided the same does not exceed six hundred Acres, & does not interfere with any Grant already made. [*Passed April 9.*

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## CHAPTER 460.

VOTE DIRECTING BENJAMIN WHITCOMB TO PAY THE MONEY HE TOOK FROM JOSIAH DIVAL INTO THE PROVINCE TREASURY.

House Journal, p. 380. Mass. Archives, lxxvi., 448.

Mass. Archives, lxxvi., 447. House Journal, pp. 380, 397.

A PETITION of *Benjamin Whitcomb*, shewing that he had Captain-Lieutenant's Commission in a Company under Col. *White*, in the late Expedition against *Crown-Point*, that he performed sundry Services (therein mentioned); for which he prays an Allowance.

Read, And

Whereas it appears to this Court That y^e Petitioner had a first Lieu^t's Commission in Lieu^t Col^o White's Company, but not being satisfied with Lieu^t's pay he Released one Josiah Dival of Lancaster (an inlisted Soldier) from y^e Service, & took of him £9.6.8 to add to his own pay to make it equal with a Cap^t's pay; Therefore

*Voted*, That for his said unwarrantable proceedings the Petitioner

be, allowed nothing for any services mentioned; And That he be & hereby is directed & Ordered to pay into the Province Treasury the Money which he so received of y^e^ said Soldier: And that y^e^ Petition be dismissed. [*Passed April 11.*

## CHAPTER 461.

ORDER DIRECTING THAT NO DEDUCTION FOR MISSING ARMS SHALL BE MADE FROM THE WAGES OF DECEASED SOLDIERS.

*Voted* and

*Ordered* Any Vote or order of this Court heretofore passed to the contrary notwithstanding That what ever Soldier who died in the Service of this Province at Lake George in the year 1756 or after he came from the Lake between there and Albany or Green Bush; there shall be no Stoppage out of his Wages for his Arms that are lost or missing, And where any Soldier died in his way from Albany home & his Arms are missing, the Stoppage aforesaid shall be taken off,

Provided his Widow, Executor or Admin^r^ or other Person legally impowered to receive the Wages make Oath before any Justice of the Peace in this Province or the Province Treasurer, That they know not what is become of such deceased Soldiers Arms, & that they have reason to think that said Arms are lost or returned to the Commanding Officer or into some of the Public Stores, such Certificate to be first lodged with the Treasurer aforesaid. [*Passed April 11.*

Legislative Records of the Council, xxi., 484.

House Journal, pp. 417, 418. *Ante*, p. 645, chap. 286; p. 695, chap. 416.

## CHAPTER 462.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO SAMUEL PARTRIDGE.

A MEMORIAL of Samuel Partridge praying that the full Wages of his Servant Silas Brooks a Soldier in the last Crown Point Expedition, who died at Lake George may be paid; there having been four Pounds deducted therefrom on account of the Gun he had received, and which as the Petitioner is informed was returned into the Store there.

Read &

*Ordered* That y^e^ Treasurer be directed to pay to Israel Williams Esq^r^ for the Use of the Pet^r^ the sum of four pounds in Consideration of the stoppage made out y^e^ Wages of y^e^ Pet^r's^ Servant Silas Brooks for his Gun's not being returned. [*Passed April 11.*

Legislative Records of the Council, xxi., 484. Mass. Archives, lxxvi., 415.

House Journal, pp. 379, 386, 400. *Ante*, p. 695, chap. 416.

## CHAPTER 463.

ORDER ALLOWING £200 TO MOSES EMERSON.

A PETITION of Moses Emerson late Commissary of the Province Stores at Albany Setting forth that in March 1755 He received a Commission from his Excellency Governor Shirley for Commissary of the three Regiments then proposed to be raised by this Govern-

Legislative Records of the Council, xxi., 485. Mass. Archives, lxxvi., 432.

Mass. Archives, lxxvi., 431. House Journal, pp. 392, 414. *Ante*, p. 513, chap. 458.

ment & accordingly set out for Albany on said Service: that it was afterwards determined to have a Commissary for each Regiment, but Governor Shirley when at Albany thought it necessary the Petitioner should stay there to take care of the Province Stores, & deliver out Provisions to the aforesaid Commissaries, That he performed the Service which was attended with no perquisites & that in April 1756 the General Court made him a Grant of Three hundred Pounds. That He performed the like Service at the desire of the Committee of War in 1756 though much against his inclination, for which he prays an allowance.

Read and

*Ordered*, That there be allowed & paid out of the public Treasury to the Petitioner the sum of two hundred Pounds in Addition to what he has Already received in full Consideration for his Services as Commissary as Mentioned. [*Passed April 11.*

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## CHAPTER 464.

VOTE ALLOWING THE ACCOUNT OF TIMOTHY COLTON.

Legislative Records of the Council, xxi., 485. Mass. Archives, lxxvi., 650.

House Journal, p. 408.

WHEREAS It Appears by Certificate from Gideon Mirick L$^{t}$ of the Comp$^{a}$ lately Command$^{d}$ by Cap$^{t}$ Eben$^{r}$ Moulton That Tim$^{o}$ Colton Dec$^{d}$ who was a Soldier in that Comp$^{a}$ took up Nothing at y$^{e}$ Charge of the Province in his return from y$^{e}$ Camp excepting Two Meals of Victuals

Therefore

*Voted*, That y$^{e}$ Treas$^{r}$ pay to Tim$^{o}$ Colton Father of said Dec$^{d}$ what s$^{d}$ Tim$^{o}$ Dec$^{d}$ is allow$^{d}$ on s$^{d}$ Cap$^{t}$ Moulton's Roll for billetting in his s$^{d}$ return deducting one shilling Lawfull Money only y$^{e}$ former Orders of y$^{s}$ Court notwithstanding. [*Passed April 11.*

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## CHAPTER 465.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY SAMUEL ATWOOD, ROBERT CLAFFLIN, JR, AND SAMUEL CHURCH THEIR WAGES IN FULL.

Legislative Records of the Council, xxi., 486. Mass. Archives, lxxvi., 520.

Mass. Archives, lxxvi., 520. House Journal, p. 400. *Ante*, p. 645, chap. 286; p. 695, chap. 416.

A PETITION of Samuel Atwood & Robert Claffin Jun$^{r}$ Soldiers in the late Crown Point Expedition Setting forth That being not well upon their return, & scarcely able to travel they lodged their Arms at the Half Moon & praying that they may receive their Wages without any deduction on account of said Arms.

Read and

*Ordered*, That y$^{e}$ Treasurer be directed to pay to the Petitioners, Also to y$^{e}$ person Who has a right to receive y$^{e}$ Wages of y$^{e}$ Said Samuel Church,[1] the full of their Wages respectively. [*Passed April 11.*

[1] Another soldier mentioned in the above petition who served in Col$^{o}$ Ruggles' regiment.

## CHAPTER 466.

ORDER IMPOWERING SAM[L] JUDD, ADM[R], TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Samuel Judd 2[dus] of Northampton in the County of Hampshire Administrator on the Estate of Ensign Asahael Judd late of South Hadley in said County deceased Setting forth That said Asahael died seized & possessed of twenty four Acres of Land in South Hadley with a new frame of an House covered, & an old Barn thereon. That the deceaseds debts appear already to be near equal to the apprized value of his personal Estate, & more small debts daily appear. And as the Deceased has left a Widow & two young Children, & the said House is in no measure tenantable: the said Samuel prays that he may have liberty to dispose of the deceased's Real Estate for the payment of his debts, & the benefit of his Family

Legislative Records of the Council, xxi., 486.

House Journal, pp. 390, 395. Province Laws, ii., 151, chap. 10.

Read &

*Ordered* That the Prayer of this Petition be so far granted, as that the Petitioner in his said Capacity of Administrator be & hereby is impowered to make sale of the Real Estate of the said Asahael Judd lying in South Hadley to the highest Bidder, & to pass & execute a good & authen[t]ic deed or deeds in the Law for conveying the same, he observing the directions of the Law relating to the Sale of Real Estates by Executors, & Administrators, & the Proceeds thereof to be applied to the best Advantage for the use of the Widow & Children of the said Asahael viz[t] The Widow to have one third part of the Improvement of the Money arising by the Sale of the said Real Estate during her natural Life, the other two thirds thereof to be improved at interest for the use of the Children 'till they shall come of age, & at the decease of the said Widow, the third improved by her, or what she shall leave shall be to the use of the Children. And that the Petitioner give sufficient caution to the Judge of Probate for the County of Hampshire for the faithful performance hereof. [*Passed April 11.*

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## CHAPTER 467.

ORDER TO EXAMINE INTO CHARGES AGAINST CAP[T] JOHN WRIGHT.

IT BEING suggested to the House that Capt[n] John Wright late Commander of Fort Hallifax in making up the Pay Roll of the Officers and Soldiers belonging to the Garrison there was guilty of many Frauds against the Government therein Therefore

Legislative Records of the Council, xxi., 487.

Legislative Records of the Council, xxi., 319, 383. House Journal, pp. 316, 419.

*Ordered* That the Committee on Frauds be directed forthwith to make inquiry into the Facts and report thereon in order that a Stoppage may be made out of the said Capt[n] Wrights Pay on his Muster Roll in the late Crown Point Expedition. [*Passed April 11.*

## CHAPTER 468.

ORDER ALLOWING 40/ TO LAWRENCE CLARK.

Legislative Records of the Council, xxi., 488. Mass. Archives, lxxvi., 561.

A PETITION of Lawrence Clark of Ipswich Setting forth that He was a Soldier in the Crown Point Expedition in 1755, and likewise in the Year 1756, by which last Service he is intitled to half pay from 17 Dec$^{r}$ 1755 to 18 March 1756, but that through Mistake the same was omitted in the Muster Roll And therefore praying for Releif from this Court.

Mass. Archives, lxxvi., 559. House Journal, pp. 402, 416. *Ante*, p. 448, chap. 299.

Read &

*Ordered*, That there be allowed & paid out of y$^{e}$ public Treasury to M$^{r}$ Daniel Staniford for y$^{e}$ use of the Pet$^{r}$ y$^{e}$ sum of forty Shillings, in Consideration of y$^{e}$ half pay he was intitled to on his engaging in y$^{e}$ Service against Crown point y$^{e}$ last year, being omitted in the Muster Roll of Cap$^{t}$ Gideon Parker's Company. [*Passed April 11.*

## CHAPTER 469.

ORDER ALLOWING £3 TO JOSEPH DARLING AND £3 TO SETH KINGMAN.

Legislative Records of the Council, xxi., 488. Mass. Archives, lxxvi., 558.

A PETITION of Daniel Howard of Bridgewater Esq$^{r}$ in behalf of Joseph Darling & Seth Kingman Soldiers in the Crown Point Expeditions in the years 1755 & 1756 Setting forth that the half Pay to which they were intitled was omitted in the Muster Roll Therefore praying Releif from this Court.

Mass. Archives, lxxvi., 557. House Journal, p. 416. *Ante*, p. 448, chap. 299.

Read &

*Ordered*, That there be allowed & paid out of y$^{e}$ public Treasury to Daniel Howard Esq$^{r}$ for the use of Joseph Darling & Seth Kingman three pounds each, in Consideration of y$^{e}$ half pay they were intitled to on y$^{r}$ entering into y$^{e}$ service on y$^{e}$ last Crown point Exped$^{n}$ being omitted in y$^{e}$ muster Roll of Cap$^{t}$ John Clap's Company. [*Passed April 11.*

## CHAPTER 470.

ORDER GRANTING TO CAP$^{T}$ EDMUND BEMIS LEAVE TO RECTIFY A MISTAKE IN HIS MUSTER ROLL.

Legislative Records of the Council, xxi., 488. Mass. Archives, lxxvi., 625.

A PETITION of Edmund Bemis, a Capt$^{n}$ in the late Crown Point Expedition Setting forth that one Benjamin Wood a Soldier in his Company is through his Mistake charged with a Gun in the Muster Roll, when in fact the said Benj$^{a}$ found his own Gun Therefore praying that he may have liberty to rectify the said Mistake.

Mass. Archives, lxxvi., 625. House Journal, pp. 399, 415.

Read And

*Ordered*, That y$^{e}$ Petitioner have leave to rectify the Mistake in his Muster Roll mentioned That so the said Benjamin may draw his full wages. [*Passed April 11.*

## CHAPTER 471.

ORDER ALLOWING £4 TO EUNICE THOMAS.

A PETITION of Eunice Thomas of Reading Setting forth that her late Husband Edward Thomas a Soldier in the Crown Point Expedition the last year died at the Half Moon none of the Officers of the Company being there at that time by which means her said Husbands Cloaths are lost as well as his Gun Therefore praying She may be allowed the money that was Stopped out of his Pay on account of said Gun.

Read &

*Ordered*, That the Treasurer be & he hereby is directed to pay to M^r^ [John] [1] Temple for the use of y^e^ Petitioner, y^e^ sum of four pounds, being what was Stopped out of his Wages of the said Edward Thomas on Acc^o^ of his Arms not being returned. [*Passed April 11.*

Legislative Records of the Council, xxi., 489. Mass. Archives, lxxvi., 581.

Mass. Archives, lxxvi., 580. House Journal, pp. 399, 416. *Ante*, p. 695, chap. 416.

## CHAPTER 472.

ORDER ALLOWING £3 TO WILLIAM PELL.

A PETITION of William Pell Setting forth that He was a Soldier in the Crown Point Expeditions in 1755 & 1756, & was thereby intitled to Half Pay from the time he was discharged from the first Expedition to his engaging in the Second, but that he has received Nothing on that Account Therefore praying for Releif.

Read &

*Ordered*, that there be allowed & paid out of y^e^ Public Treasurer to M^r^ Benj^a^ Hills for y^e^ use of y^e^ Petitioner the sum of three pounds in Consideration of the half pay he was intitled to, being omitted in y^e^ Muster of y^e^ Company he belonged to. [*Passed April 11.*

Legislative Records of the Council, xxi., 489. Mass. Archives, lxxvi., 504.

House Journal, p. 416. *Ante*, p. 448, chap. 299.

## CHAPTER 473.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THOMAS FAXON THE WAGES OF HIS SERVANT.

A PETITION of Thomas Faxon of Braintree Setting forth that his Servant Jonathan Bishop, inlisted in the last Crown Point Expedition as a Soldier, & that the Petitioner equipped his said Servant at a considerable Expence; but the said Bishop not being entered on the Muster Roll as a Servant, the Petitioner cannot draw his Wages Therefore praying the Aid of this Court.

Read and

*Ordered*, That the Treasurer be & he hereby is directed to pay to y^e^ Petitioner the wages of his said servant Jonathan Bishop, as made up in Cap^t^ Blake's Muster Roll. [*Passed April 11.*

Legislative Records of the Council, xxi., 489. Mass. Archives, lxxvi., 524.

Mass. Archives, lxxvi., 523. House Journal, pp. 402, 408.

[1] Inserted from the House Journal. p. 416.

## CHAPTER 474.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY ELIZABETH PHILLIPS THE FULL WAGES OF HER DECEASED HUSBAND.

Legislative Records of the Council, xxi., 490. Mass. Archives, lxxvi., 579.

House Journal, pp. 399, 415.

A PETITION of Elisabeth Phillips of Malden Widow of James Phillips Setting forth that her said Husband was a Soldier in the Crown Point Expedition in 1756 & died at Lake George, that she can give no account what is become of the deceaseds Gun, and therefore prays the compassionate consideration of the Court.

Read and

*Ordered*, That the Treasurer be & he hereby is directed to pay to M^r^ Benjamin Hills for the use of y^e^ Petitioner y^e^ full Wages due to her late Husband. [*Passed April 11.*

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## CHAPTER 475.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY 40/ TO ISAAC ALLEN AND ALSO THE WAGES DUE HIS SERVANT.

Legislative Records of the Council, xxi., 490. Mass. Archives, lxxvi., 460.

Mass. Archives, lxxvi., 459. House Journal, pp. 379, 416.

A PETITION of Isaac Allen of Glocester Setting forth That his Servant David Riggs was a Soldier in the Crown Point Expedition in 1755, & afterwards inlisted to stay the Winter at the Forts at or near Lake George where he died That the Petitioner furnished him with a good Gun which has not been returned, nor has he received the Wages of his s^d^ Servant Therefore Praying the consideration of this Court & an Order for what may be due.

Read and

*Ordered*, That the Treasurer be and he hereby is directed to pay to William Stevens Esq^r^ for y^e^ use of y^e^ Petitioner the sum of forty Shillings for y^e^ loss of y^e^ Gun Mentioned, also y^e^ sum due to the Petitioner for wages of his said serv^t^ Dan^l^ [1] Riggs as made up in the Muster Roll of y^e^ Comp^a^ to which he belonged. [*Passed April 11.*

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## CHAPTER 476.

ORDER ALLOWING £4. 0. 10 TO DANIEL GIDDINGS.

Legislative Records of the Council, xxi., 490.

House Journal, pp. 325, 416.

A PETITION of Daniel Giddings of Ipswich Inholder Praying an Allowance for billeting Soldiers sent to his House by Thomas Berry Esq^r^ Col^o^ of the Regiment there.

Read And

*Ordered* That there be allowed and paid out of the Public Treasury to M^r^ Daniel Staniford for the use of the Petitioner the Sum of Four Pounds & ten pence in full discharge of the Accounts of billeting Soldiers in the Years 1755 & 1756, exhibited. [*Passed April 11.*

[1] The House Journal, p. 416, reads, "*David.*"

## CHAPTER 477.

RESOLVE AUTHORIZING EDWARD HOLIDAY TO COLLECT TAXES IN BOSTON.

A Petition of Thomas Downe of Boston Setting forth that he was Collector of the Taxes within the Town of Boston from 1750 to 1755 inclusive; that notwithstanding his utmost care and diligence in collecting there are sundry Sums, amounting to something considerable still outstanding, & due to him: & he being in a low state of health & unable to collect the Same; Prays that M^r^ Edw^d^ Holiday may be impowered to collect & receive all such outstanding Taxes due to the Petitioner as aforesaid.

Legislative Records of the Council, xxi., 490. Mass. Archives, cv., 556.

Read &

*Resolved*, That the said Edward Holiday be, And he is hereby Authorized to Collect y^e^ Taxes committed to y^e^ said Thomas Downe to be collected of y^e^ said Inhabitants of the Town of Boston from the Year 1750 to y^e^ Year 1755. inclusively of both said Years, which are outstanding & unpaid, And the said Edward Holiday is hereby vested with y^e^ same Authority to said purposes, as the said Thomas Downe has who shall be Accountable for the said Holiday's doings herein. [*Passed April 11.*

Mass. Archives, cv., 555. House Journal, pp. 408, 409.

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## CHAPTER 478.

ORDER DIRECTING THE PROSECUTION OF PERSONS IN POSSESSION OF PROVINCE ARMS.

*Ordered*, That the several Gentlemen who were directed to receive & transmitt to the Commissary General the Arms belonging to this Province in their respective Counties by an Order passed this Court the 27^th^ of January last, be also directed to prosecute all persons within said Limitts that they may come to the knowledge of, who are still possessed of any of said Arms or of those belonging to his Majesty, & to take Care that the Law passed in the 27^th^ year of his present Majesty's Reign, intituled an Act for levying Soldiers &c, so far as it respects the purchasing or Selling of Soldiers Arms be put in Execution. [*Passed April 11.*

Legislative Records of the Council, xxi., 491 Mass. Archives, lxxvi., 659.

House Journal, pp. 399, 400. Province Laws, iii., 734, chap. 41. *Ante*, p. 652, chap. 303.

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## CHAPTER 479.

ORDER DIRECTING TIMOTHY PAINE, ESQ^R^, TO PROSECUTE PERSONS IN THE COUNTY OF WORCESTER IN POSSESSION OF PROVINCE ARMS.

Legislative Records of the Council, xxi., 491.

*Ordered* that Timothy Paine Esq^r^ be directed to prosecute all persons in the County of Worcester, who are possessed of Arms belonging to his Majesty or to this Province, that he shall come to the knowledge of agreeable to the Law made & passed in the 27 year of his present Majesty's Reign intituled an Act for levying Soldiers &^c^. [*Passed April 11.*

House Journal, pp. 399, 400. Province Laws, iii., 734, chap. 41. *Infra*, chap. 480.

## CHAPTER 480.

Legislative Records of the Council, xxi., 491.

ORDER DIRECTING JOHN WORTHINGTON, ESQR, TO PROSECUTE PERSONS IN THE COUNTY OF HAMPSHIRE IN POSSESSION OF PROVINCE ARMS.

House Journal, p. 399. Province Laws, iii., 734, chap. 41. *Supra*, chap. 479.

*Ordered* that Colonel Worthington be directed to prosecute all persons in the County of Hampshire who are possessed of Arms belonging to his Majesty or to this Province, that he shall come to the knowledge of agreeable to the Act passed in the 27 Year of his present Majesty's Reign, intituled an Act for levying Soldiers &c. [*Passed April 11.*

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## CHAPTER 481.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 492.

Mass. Archives, lxxvi., 145, 235, 253, 276, 382, 398, 416. House Journal, p. 409.

*Ordered* That there be allowed & paid out of the Public Treasury to Joseph Gerrish Esqr for the use of Joseph Sloss Ten Pounds, & for the use of Abner Dole thirty shillings: to Israel Williams Esqr for the use of Joel Dickinson twelve shillings, to William Lawrence Esqr for the use of John Scott three Pounds three shillings: to Captn James Barrett for the Use of Ephraim Stow Eight Pounds To John Murray Esqr for the use of Ephraim Church four Pounds two shillings; & to Richard Dexter twenty shillings & eight pence. In consideration of their Sufferings & expences in their respective Petitions mentioned on the first Crown Point Expedition. [*Passed April 11.*

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## CHAPTER 482.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 492.

Mass. Archives, lxxvi., 271, 402, 418, 419, 449, 450, 462, 598, 633. House Journal, p. 409.

*Ordered* That there be allowed & paid out of the Public Treasury to Mr Elijah Porter for the use of Jonathan Bisby the Sum of twelve Pounds seven shillings & threepence. to Mr Benja Hills for the use of John Maney fifty five shillings; to Mr Eliphalet Whiting for the use of Benja Moore Six Pounds nineteen shillings & eight pence to Mr Ebenezer Barker for the use of Jonathan Griffin forty six shillings & eight Pence; to Isaac Merrill Esqr for the use of Thomas Clarke forty one shillings & six pence to Mr Gideon Lyman for the use of Herman Pomroy twenty four shillings, & for the use of John Lyman three Pounds eleven shillings & four pence to William Lawrence Esqr for the use of Richard Harrington forty six shillings; to Mr Amos Fuller for the use of Jacob Stowell forty two shillings; to William Richardson Esqr for the use of Thomas Ross three pounds sixteen shillings & eight pence to Thomas Foster Esqr for the Use of Amaziah Delano fifteen & eight Pence,[1] & to Mr Thomas Morey for the use of Lydia Winchell five pounds eighteen shillings & five pence in consideration of the Sufferings & Expences in their Petitions respectively mentioned on the last Crown Point Expedition. [*Passed April 11.*

[1] The House Journal, p. 409, reads, 15*s.* 8*d.*

## CHAPTER 483.

ORDER IMPOWERING ANNA McALLISTER, ADM$^{x}$, TO DELIVER UP DEEDS.

A Petition of John M$^{c}$Allister & Anna M$^{c}$Allister both of Westborough in the County of Worcester Setting forth that the said John did in consideration of his great Age in the year 1750 make a Settlement of his Estate, giving his Son John by deed one half of his real Estate & Stock, & selling to him the other half in consideration of the Sum of £146.13.4 payable within seven years of John the Petitioners decease as he should will or order; his said Son further obliging himself to render to the Petitionor & his Wife if she should survive, one half of the Produce of the Whole, & mortgaging the Whole of the Real Estate as Security for payment of said Money & fulfilling said Conditions, But that the said John the Son died about a year ago; & that were the Estate to be rented out to tenants it might prove greatly prejudicial to the said John & the other Petitioner Anna, Widow of the deceased, They have therefore by the advice of Friends come to an Agreement as herewith presented. And therefore pray that said Agreement may be established, and that the writings above referred to may be cancell'd as none of them are upon Record.

Legislative Records of the Council, xxi., 493. Mass. Archives, xix., 519.

Mass. Archives, xix., 517, 518. House Journal, pp. 380, 421.

Read and

*Ordered* that the prayer of the petition be granted; & in as much as the Deeds given by the petitionor John to his Dec$^{d}$ Son is not fully Executed, that the petitioner Anna Adm$^{x}$ on the Estate of the s$^{d}$ John M$^{c}$Allister Dec$^{d}$ deliver up the same to the petitioner John he Cancalling,[1] and Delivring hir the Bonds Mentioned in the Petition parable[1] for 146.13.4 and giving hir good seurity[1] for the payment of forty pounds Lawfull mony at three annuall payments from and after the 15: day of March Last with Lawfull Interist for Each payment from the fifteenth Day of Septembor next the said Anna first giving sufficiant seurity[1] to the Judge of Probetis[1] for the County of Worcester for accounting for said Sum of forty pounds and that the said Anna have Reserved to hir so much of the New house so Called where she now Dwells as may be needfull for hir and hir Children. [*Passed April 12.*

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## CHAPTER 484.

VOTE ALLOWING CHARLES MIUS AND FAMILY TO CONTINUE AT MARSHFIELD.

Whereas there was a vote or order of this Court Passed y$^{e}$ 9$^{th}$ feb$^{y}$ last: Directing the select men of Plymouth to Remove Charles muse & family some of the Neutral french from y$^{e}$ Town of Plymouth To the Town of wareham, but the said Charles muse & family being desirous of being Removed to marshfeild & there appearing m$^{r}$ Nathaniel Ray Thomas Ready to Receive them & Give bond of two hundred Pound Lawfull money to save the Province from any Charge on s$^{d}$ Charles & family & The select men of said Plymouth having Removed them to marshfeild & took a bond to y$^{e}$ Province Treasu$^{r}$ for y$^{e}$ sum of two hundred pounds to save the Province from Charges on acc$^{tt}$ of said family.

Legislative Records of the Council, xxi., 494. Mass. Archives, xxiii., 381.

House Journal, p. 420. Province Laws, iii., 1061, note. *Ante*, p. 663, chap. 338.

[1] *Sic.*

*Voted* that said Charles muse & family be Continud in said Town of marshfeild any Order or Resolve of this Court to the Contrary notwithstanding & that Thomas Foster Esq$^{r}$ be directed to deliver said Bond to the Province Treasurer. [*Passed April 12.*

## CHAPTER 485.

ORDER ON THE PETITION OF REV$^{D}$ M$^{R}$ THO$^{S}$ PRINCE IN REGARD TO DIVISION OF LANDS.

Legislative Records of the Council, xxi., 494. Mass. Archives, xiv., 17.

Mass. Archives, xiv., 15. House Journal, pp. 420, 421.

A PETITION of the Rev$^{d}$ M$^{r}$ Thomas Prince of Boston Setting forth that He together with the other Heirs of the Rev$^{d}$ M$^{r}$ Nathan Prince preferred a Petition to the Superior Court in 1755 praying for partition of certain Lands the Estate of the deceased in the County of Worcester, who accordingly appointed five sufficient Freeholders according to Law, whereof John Murray Esq$^{r}$ was one: that on the day appointed for the business the said Murray was unable to attend, and the other four Proceeded upon it, & returned a division to the acceptance of the Parties concerned, which return was not accepted by the Court because the said Murray was not sworn with the other apprizers And Praying that the said Court may be enabled to accept of said Report, & order it to be recorded if they see fit, such defect Notwithstanding.

Read And

*Ordered*, That the Prayer of this Petition be so far granted as that the Justices of the Superior Court be and they hereby are impowered to take the return of the Division of Lands therein Mentioned under Consideration And if it appears to them just & reasonable that they Accept it & order the same to be recorded which shall be good & valid in the Law, the Non Attendance of One of the Committee appointed for the division therein Mentioned Notwithstanding. [*Passed April 12.*

## CHAPTER 486.

ORDER ALLOWING THE ACCOUNT OF JAMES DAVENPORT.

Legislative Records of the Council, xxi., 495. Mass. Archives, xliv., 362.

Mass. Archives, xliv., 360. House Journal, pp. 419, 420. Province Laws, iii., 714, chap. 23.

A PETITION of James Davenport of Boston, Setting forth That in the Year 1739 He was appointed a Coroner, that in 1753 An Act passed the Great & General Court requiring all Persons in Office to take an Oath respecting the Bills of Credit of some of the neighbouring Governments; That the Petitioner being ill did not take said Oath in season. That in 1756 He was called to take an Inquisition on the body of one Nicholas Dyer a Stranger the charge of which amounted to £2.6.6 more than his cloathing, & all other his Effects amounted to, but He the said James not having taken the said Oath in 1753, although he had afterwards done it, his account was not allowed by the Sessions therefore Praying Releif.

Read and

*Ordered* That the Prayer of this Petition be so far granted, as that the Court of General sessions of the peace for y$^{e}$ County of Suffolk are hereby impowered to direct y$^{e}$ Treasurer of s$^{d}$ County

to pay said Davenport the reasonable Charge he was at in y^e^ inquisition referred to, the omission of taking y^e^ oath in proper Season notwithstanding. [*Passed April 12.*

## CHAPTER 487.

### RESOLVE IN REGARD TO FARMERS OF EXCISE.

Whereas In the Act Entitled an Act for granting unto His Maj^ey^ an Excise upon Spirits distilled and Wine and upon Limes Lemmons and Oranges which Conmenced March 26 1756 It is among other things Enacted That "To every Person Licenced by the Sessions and to every Person having Permitt as aforesaid The said Farmer or his Deputy (when said Persons shall Acc^t^ with them) shall give two receipts under their hand for what each of them respectively have recieved either as Duty or as Forfieture or in any other way, and said Receipts shall express the true and just sums recd and the Consideration for which it was rec'd and one of the s^d^ Rec^ts^ shall be Lodgd within One Month after the Date thereof by each person respectively to whom said Rect's shall be given with the Clerk of the sessions for the County wherein such Person lives on penalty of forty Shillings and of being rendred incapable of renewing his or her Licence or Permitt for the future, and the Clerk afores^d^ Shall transmitt a true and fair Copy of the rec^ts^ that shall be so lodged with him to the sec^ry^ of this Province who shall lay the same before this Court. &c And It being Represented to this Court that the time Limited in the aforesaid said[1] Paragraph for the Lodging the said Receipts in the Office of the Clerk of the sessions of the Peace, within One Month from the Expiration of said Act (which was the 26^th^ of March last) will be impracticable Therefore

*Resolved* that the several Persons Oblig'd in the Act to lodge such receits at that time Shall be allowed till the 26^th^ of May next to lodge such receipts

The time in said Paragraph mentioned notwithstanding And that this Resolve be inserted in the publick Prints. [*Passed April 12.*

Legislative Records of the Council, xxi., 496. Mass. Archives, cxx.. 182.

House Journal, pp. 424, 425, Province Laws, iii., 914, chap. 31; 920, chap. 37.

## CHAPTER 488.

### ORDER DIRECTING THE ENLISTMENT OF TEN OF THE INHABITANTS OF MEDUMCOOK INTO THE SERVICE.

A Petition of Joshua Bradford in behalf of himself And Others, Inhabitants of Medumcook Setting forth their Exposed State, & praying for Protection.

Read and

*Ordered*, That Ten of the Inhabitants of Medumcook be put into y^e^ pay & Subsistence of the Government Alternately under the Care of a Serjeant agreeable to the Establishment for Defence of y^e^ Eastern & Western Frontiers. [*Passed April 12.*

[1] *Sic.*

Legislative Records of the Council, xxi., 496. Mass. Archives, cxvii., 280.

Mass. Archives, cxvii., 279. House Journal, p. 428. *Ante*, p. 707, chap. 448.

## CHAPTER 489.

ORDER ALLOWING MILES WHITWORTH PAY AS A CHIRURGEON.

Legislative Records of the Council, xxi., 497. Mass. Archives, lxxvi., 630.

Mass. Archives, lxxvi., 628. House Journal, pp. 412, 425. *Post*, p. 755, chap. 565.

A PETITION of Miles Whitworth Setting forth that on the 10 May 1756 after his Return from Nova Scotia Expedition He set out with General Winslow on the Crown Point Expedition with General Shirley's Commission for Surgeon General that on the 23d May he arrived at Albany and agreed with the Commissioners of this Government to act as Surgeon to Colo Plaisteads Regiment for all which he has received no Pay, & therefore praying the Consideration of this Court, & that he may receive an Allowance adequate to his said Services.

Read And

*Ordered*, That there be allowed & paid out of ye public Treasury to ye Memorialist Chirurgeon's pay from ye 10th of May 1756 to the Time of Dismissing ye Army on the last Crown-point Expedition, for his Services as Chirurgeon to Colo Plaisted's Regiment during that time. [*Passed April 12.*

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## CHAPTER 490.

ORDER IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF ESSEX TO APPOINT AN ADMINISTRATOR ON AN ESTATE.

Legislative Records of the Council, xxi., 498. Mass. Archives, xix., 553.

Mass. Archives, xix., 552. House Journal, p. 429.

A PETITION of Robert Roundy of Beverly in the County of Essex Setting forth that He together with one Joseph Hall of New Hampshire were bound to the Judge of Probate for said County for the Administration of Ebenezer Kimball on the Estate of his Father Ebenezer Kimball late of Haverhill deceased. That the said Ebenezer the Son hath sold all the Real Estate of the deceased without leave from any Court, & then absconded & went to Halifax; whereby the Petitioner is like to be a great Sufferer Therefore praying that the Judge of Probate of said County may be impowered to appoint a new Administration to said Estate, or otherwise releive him.

Read and

*Ordered* that the Judge of Probate for the County of Essex be and hereby is Authorised and impowered to appoint some suitable Person Admr on the Estate of Ebenezer Kemball Dec'd instead of Ebenezer Kemball the Son within mentioned, who is Absconded and left the Administration unfinished. [*Passed April 13.*

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## CHAPTER 491.

ORDER ALLOWING £2. 13. 4 TO SETH ROOT.

Legislative Records of the Council, xxi., 498. Mass.

A PETITION of Seth Root Setting forth that He was an inlisted Soldier in the Crown Point Expedition in 1755 in Captn Ingersol's Company, who being killed in Battle the said Seth was made up in

the Muster Roll about two months short of the time he was actually in Service Therefore praying for Releif.

Archives, lxxvi., 645.

Read and

*Ordered* that the Sum of two pounds thirteen shill$^{gs}$ and four pence be p$^{d}$ out of the publick Treasury to Eldad Taylor Esq$^{r}$ for the Use of the Pet$^{r}$ for His Service within mentioned. [*Passed April 13.*[1]

Executive Records of the Council, xiii., 226. House Journal, pp. 426, 429.

## CHAPTER 492.

ORDER ALLOWING £1. 6. 8 TO BENJAMIN BURT.

A PETITION of Benjamin Burt of Wilmington Setting forth that his Servant Joseph Gilbird was a Soldier in the last Crown Point Expedition, the Petitioner finding a Gun for his said Servant. But that the said Joseph dying on his return, the Gun is not to be found Therefore praying for releif.

Legislative Records of the Council, xxi., 499. Mass. Archives, lxxvi., 590.

Read and

*Ordered* that the Sum of One pound Six Shill$^{gs}$ and eight pence be allowed to be paid out of the publick Treasury to M$^{r}$ Jonathan Foster for the Use of the Pet$^{r}$ in consideration of the Loss of the Gun within mentioned. [*Passed April 13.*

Mass. Archives, lxxvi., 589. House Journal, pp. 427, 429.

## CHAPTER 493.

ORDER ALLOWING £4 TO MARY HERRICK.

A PETITION of Mary Herrick Relict Widow of Edward Herrick Setting forth that her said Husband was a Soldier in the last Crown Point Expedition; & died at Lake George. That She can give no manner of account of what is become of his Gun; therefore praying the consideration of this Court.

Legislative Records of the Council, xxi., 499. Mass. Archives, lxxvi., 686.

Read and

*Ordered* that there be paid out of the publick Treasury to M$^{r}$ Barker for the Use of the Pet$^{r}$ the four pounds within mentioned. [*Passed April 13.*

House Journal, p. 429.

## CHAPTER 494.

ORDER ALLOWING £4 ANNUALLY TO EPHRAIM WINSHIP.

A PETITION of Ephraim Winship of New Marblehead in the County of York Setting forth that about the 14$^{th}$ of May last he was attacked by a Party of Indians from whom he received two Shotts, one of which broke his Arm and by the other he lost one of his Eyes; that they afterwards gave him divers Blows on the head with a Hatchett & scalped him, notwithstanding all which he almost miraculously escaped with his Life, having undergone great pain & expence occasioned by his said Wounds And praying the compassionate consideration of the Court.

Legislative Records of the Council, xxi., 499. Mass. Archives, lxxvi., 408.

Mass. Archives, lxxvi., 407, 409. House Journal, pp. 413, 429.

Read and

[1] There is some confusion of dates here, Mass. Archives, lxxvi., 645, giving the final action in Council as April 11; evidently a mistake for April 13, on which day the record states it passed the House.

*Ordered* that the Pet$^{r}$ be allowed to be paid out of the publick Treasury the Sum of four pounds Annually during his Natural life. [*Passed April 13.*

## CHAPTER 495.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 501.

Mass. Archives, lxxvi., 232, 233, 287, 335, 371, 372, 373, 374, 420, 421, 422–423, 472, 473, 490, 506, 509, 510–511, 527, 528–529, 599, 672. House Journal, pp. 422, 423.

*Ordered*, That there be allowed & paid out of the Public Treasury to Moses Marcy Esq$^{r}$ for the use of Samuel Leech three Pounds nine shillings & two pence; for the use of James Johnson thirty three shillings, & for the use of Moses Clark four Pounds sixteen shillings; To Capt$^{n}$ Henry King for the use of Elisha Rich three Pounds fourteen shillings, & for the use of Daniel Stockwell thirty shillings; To Henry Gibbs Esq$^{r}$ of Salem for the use of Thomas Reddington Six pounds one shilling and eleven pence: To M$^{r}$ Elijah Porter for the use of John Bradstreet twenty nine shillings: To Isaac Merril Esq$^{r}$ for the Use of Pelatiah Watson three Pounds eleven shillings & six pence. To Timothy Paine Esq$^{r}$ for the use of Robert Smith four Pounds six shillings: To Capt$^{n}$ Edward Davis for the use of Mary Baker six Pounds ten shillings; To M$^{r}$ Ephraim Sherman for the use of Nathanael Hutson four Pounds, thirteen shillings: To Henry Gibbs Esq$^{r}$ of Newtown for the use of Nehemiah Fuller fifty three shillings; To Thomas Clap Esq$^{r}$ for the use of Micajah Tuel forty four shillings & eight pence: To M$^{r}$ Eliphalet Whiting for the use of Robert Ray three Pounds ten shillings and eight pence; & for the Use of Margaret Barweek forty two shillings; To Capt$^{n}$ Jabez Upham for the use of Isaiah Chadwick Three Pounds eighteen shillings; To M$^{r}$ John Temple for the use of Samuel Pratt twenty nine shillings & 6$^{d}$ and for the Use of Richard Melandy fifty shillings; To M$^{r}$ Gideon Lyman for the use of Nathan Allen fifty five shillings, & to Jonathan Patterson four pounds nineteen shillings & eight pence in full consideration of the Expences whilst in the Service on the last Crown Point Expedition in their Petitions respectively mentioned. [*Passed April 14.*

## CHAPTER 496.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 501.

Mass. Archives, lxxvi., 189, 239, 241, 464, 471, 505. House Journal, p. 422.

*Ordered*, That there be allowed and paid out of the Public Treasury to M$^{r}$ Benjamin Hills for the use of Simon Wade forty six shillings, To William Lawrence Esq$^{r}$ for the use of Samuel Douglas four pounds seven shillings & four pence. To M$^{r}$ Thomas Lancaster for the use of William Hobson thirteen shillings & four pence: To M$^{r}$ Samuel Witt for the use of John Hutson thirty shillings; & to Capt$^{n}$ Ephraim Spaulding for the use of Robert Lindsey sixteen shillings in full consideration of the Expences in the first Crown Point Expedition in their several Petitions respectively mentioned. [*Passed April 14.*

## CHAPTER 497.

ORDER GRANTING TO JOHN GOULD LICENCE TO SELL STRONG DRINK.

A PETITION of John Gould of Boston Praying that as he is concerned in the Distilling Business, the Court of General Sessions of the Peace for the County of Suffolk may be authorized at their present Sessions to grant him a license to sell distilled Spirits at his distill house in Boston the time allowed by Law for granting Licenses being elapsed notwithstanding.

Legislative Records of the Council, xxi., 502. Mass. Archives, cxx., 180.

Read, and

*Ordered*, that the prayer of this Petition be so far granted, as that the Justices of y^e^ Court of General sessions of the peace for the County of Suffolk, be & they hereby are impowered at their present Sessions to grant y^e^ Pet^rs^ a license (if they see fitt) to retail spirituous Liquors at y^r^ Distill house in Boston they first Obtaining the Approbation of y^e^ Select Men of said Town, the Time for granting Licences being elapsed Notwithstanding. [*Passed April 14.*

Mass. Archives, cxx., 179. House Journal, p. 426.

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## CHAPTER 498.

VOTE ALLOWING CAP^T^ JOHN CRANE £46. 15. 1 FROM FINES LAID UPON DELINQUENT SOLDIERS IN THE TOWN OF DARTMOUTH.

A PETITION of John Crane, Capt^n^ of a Company in the second Regiment of Militia in the County of Bristol Setting forth that at the General Muster ordered to be had on the 22^d^ day of March last, there were only nine of said Company appeared, so that he had it not in his power to draught his Quota of Men assign'd him for the Public Service; whereupon he proceeded to hire Men, & has advanced for that Purpose Forty six pounds fifteen shillings & 1^d^ more than he has received. Therefore praying he may be enabled to apply the Fines incurred for the Use of the Company, for Nonappearance as aforesaid, towards reimbursing him for the money so advanced & for his Cost & trouble in said Affair.

Legislative Records of the Council, xxi., 502.

House Journal, p. 431. Province Laws, iii., 734, chap. 41; 923, chap. 40.

*Voted.* That John Crane, Capt^n^ of the third Military Foot Company in the Town of Dartmouth is hereby authorised & impowered to receive & retain to his own use out of the Fines which shall be recovered by his Clerk of those delinquent Soldiers, which did not appear at the General Muster on the 22^d^ day of March last, the forty six Pounds fifteen shillings & apenny in his Petition mentioned, which he has advanced for the hiring Soldiers for the Present Expedition. And the Overplus of said Fines, if any there be to be applied by Law as is already provided, He the said Crane to render an account of his proceedings herein to the Treasurer of the Town of Dartmouth, agreeable to Law. [*Passed April 14.*

## CHAPTER 499.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4 TO ABRAHAM CROCKETT.

Legislative Records of the Council, xxi., 503. Mass. Archives, lxxvi., 414.

Mass. Archives, lxxvi., 412. House Journal, pp. 423, 424. *Ante*, p. 695, chap. 416.

A PETITION of Abraham Crockett of Falmouth Setting forth that he was the last fall, being in the public Service wounded at Lake George, and being lame left his Gun upon his return with Ensign Cook then a Commissary at a place called the Half Moon Therefore praying he may be allowed the Sum of Four pounds stopped from his Wages on account of his said Gun.

Read &

*Ordered* That y^e^ Treasurer pay to Major Freeman for y^e^ use of y^e^ Petitioner y^e^ sum of four pounds stopped out of his Wages on Acco^t^ of his Arms not being returned. [*Passed April 14.*

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## CHAPTER 500.

ORDER ALLOWING £3 TO TIMOTHY BANCROFT.

Legislative Records of the Council, xxi., 503. Mass. Archives, lxxvi., 387.

Mass. Archives, lxxvi., 386. House Journal, pp. 380, 423. *Ante*, p. 448, chap. 299.

A PETITION of Timothy Bancroft. Setting forth that he was in the Province Service in the Expedition against Crown Point in 1755; & likewise in the Expedition in 1756, & by Virtue of an Act of the General Court was intituled to half pay during the space betwixt the two Expeditions; but living at a great distance from his Capt^n^ the same was omitted in the Muster Roll, Therefore praying he may have an order on the Treasurer for it.

Read and

*Ordered*, That there be allowed & paid out of y^e^ public Treasury to Cap^t^ Joshua Hutchins for y^e^ Use of y^e^ Petitioner the sum of three pounds in Consideration of y^e^ half pay he was intitled to on his entering into y^e^ service on y^e^ last Expedition against Crown-point. [*Passed April 14.*

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## CHAPTER 501.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY EZEKIEL CHANDLER HIS WAGES IN FULL.

Legislative Records of the Council, xxi., 504. Mass. Archives, lxxvi., 252.

Mass. Archives, lxxvi., 252. House Journal, pp. 304, 423.

A PETITION of Ezekiel Chandler of Duxborough Setting forth that on his return from the Army the last Year, his Gun was fraudulently taken away from the House in which he lodged at Green Bush in Albany Therefore praying he may be allowed what was stopped out of his Wages, on account of his Gun's not being returned.

Read and

*Ordered;* That y^e^ Treasurer pay to Gam^l^ Bradford Esq^r^ for y^e^ Use of y^e^ Pet^r^ his full Wages, his Arms not being returned notwithstanding. [*Passed April 14.*

## CHAPTER 502.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY JOHN FOSTER THE WAGES OF HIS SON IN FULL.

A Petition of John Foster of Andover Setting forth that his Son Isaac Foster a Minor was a Soldier in the Crown Point Expedition in the year 1756, and being out with a scouting party was either killed or taken Captive; that there is a deduction of Four Pounds made from his said Sons Wages on account of his Gun not being returned, and praying Releif.

Read and

*Ordered* that the Treasurer pay to the Petitioner the full Wages due to his said Son as made up in the Muster Roll, without any deduction for his Arms not returned. [*Passed April 14.*

Legislative Records of the Council, xxi., 504. Mass. Archives, lxxvi., 519.

House Journal, pp. 379, 424, 426. *Ante*, p. 695, chap. 416.

## CHAPTER 503.

ORDER ALLOWING £2 TO SAMUEL CAPEN.

A Petition of Samuel Capen of Palmer Setting forth that his Son Abijah Capen was impressed into his Majesty's Service for the Crown Point Expedition on the last day of July 1756, and was five weeks afterwards put into Captn John Lanes Company; that his Son died the 7th Novr following, & when the muster Roll was made up, the said five Weeks was wholly omitted Therefore praying an Allowance therefor.

[Read &]

*Ordered* that the Prayer of this petition be granted and that the Petr be allowed Two pounds in full consideration for the five Week's service within mentioned. [*Passed April 15.*

Legislative Records of the Council, xxi., 504. Mass. Archives, lxxvi., 632.

Mass. Archives, lxxvi., 631. House Journal, pp. 426, 432.

## CHAPTER 504.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £19. 4 TO ELISHA CUMMINGS.

A Petition of Elisha Cummins of Topsfeild Setting forth that on the 20th of February 1756 he received an Ensign's Commission for the Crown Point Expedition and on the 18 of April following proceeded with the rest of the Company to Albany, & did duty there at the Half Moon until the 17 day of Septr when his health would permit; but being at that time; in a bad state of health, he by the advice of his Physician went on board a Vessell bound to New York, & on the 14th day of Octor last got home to Topsfeild, but remained in so poor a State of health; that he was incaple[1] of business for two months after; Further setting forth, that as he came away without leave from the General He was not made up in the muster Roll and praying an Allowance.

Read and

*Ordered* That the Treasurer be, and he hereby is directed. to pay to Mr Elijah Porter for the use of the Petitioner Elisha Cummings

[1] *Sic.*

Legislative Records of the Council, xxi., 505.

Mass. Archives, lxxvi., 434. House Journal, pp. 395, 396, 423.

the Sum of Nineteen Pounds four shillings in full of his Wages for eight months Service in the last Expedition against Crown Point his not being born in the Muster Roll notwithstanding. [*Passed April 15.*

## CHAPTER 505.

ORDER ALLOWING £10. 10 TO CAP$^{N}$ NATHANIEL COOKE.

Legislative Records of the Council, xxi., 506. Mass. Archives, lxxvi., 370.

Mass. Archives, lxxvi., 369. House Journal, pp. 427, 433.

A PETITION of Nathanael Cooke, Captain of a Company in the late Expedition against Crown Point Setting forth That the said Captain brought thirty five men to Boston to receive their arms &$^{c}$ where they were detained four days, during which time they billeted themselves at their own expence And praying an Allowance for the Same.

[Read &]

*Ordered* that their be paid to the Several Persons named in y$^{e}$ Acc$^{t}$ Exhibited y$^{e}$ Sum of Six Shillings to each Person for his Subsisting himself y$^{e}$ time within mention'd and that y$^{e}$ whole amounting to y$^{e}$ Sum of ten pound ten Shillings be paid into y$^{e}$ hands of Cap$^{t}$ Nath$^{l}$ Cook to be by him paid to the Several Persons to whom y$^{e}$ Same is due, he to be accountable. [*Passed April 15.*

## CHAPTER 506.

ORDER ALLOWING £1. 12. 8 TO SOLOMON GOODWIN.

Legislative Records of the Council, xxi., 508. Mass. Archives, lxxvi., 446.

House Journal, p. 436.

A PETITION of Solomon Goodwin, a Soldier in the Crown Point Expedition in 1756 Setting forth That being sick on his return home, was obliged to be at expence for Slay hire &$^{c}$ and that after his return home he was unable to do anything towards his own Support for several Weeks And praying an Allowance on account thereof.

Read and

*Ordered* that the Pet$^{r}$ be allowed to be paid out of the publick Treasury one pound twelve shill$^{gs}$ and eight pence in full for his Services mentioned. [*Passed April 16.*

## CHAPTER 507.

ORDER CONFIRMING THE TAX OF THE TOWN OF LANCASTER FOR THE YEAR 1756, AND IMPOWERING THE COLLECTION THEREOF.

Legislative Records of the Council, xxi., 508.

House Journal, pp. 433, 435. Province Laws, iii., 1055, note.

A PETITION of William Richardson Esq$^{r}$ for himself and the Rest of the Selectmen and Assessors of the Town of Lancaster Setting forth That in the Rate Bill for the year 1756, which they committed to Asahel Phelps one of the Constables of said Town; there were some circumstantial Mistakes, but none as to the sum to be collected Therefore praying Releif.

Read &

*Ordered* That the Tax for the Town and County Rate in the Town of Lancaster for the year 1756 committed to Asahel Phelps to collect be and hereby is confirmed and established, and the

said Phelps is hereby fully impowered to collect the same, any supposed Mistake in the Rate Bills to him committed notwithstanding. [*Passed April 16.*

## CHAPTER 508.

ORDER ALLOWING £2 TO THOMAS CLARKE.

A Petition of Thomas Clarke of Almsbury Setting forth That he was a Soldier in the Crown Point Expedition in 1756; and that by order of General Winslow, He stayed after the Camp broke up to take care of the Sick, and that He was made up in the Muster Roll twenty six days short of the time he was in actual Service, which time he spent in his care of the Sick as aforesaid And praying an Allowance.

Legislative Records of the Council, xxi., 508. Mass. Archives, lxxvi., 627.

Mass. Archives, lxxvi., 626. House Journal, pp. 434, 435.

Read and

*Ordered* that the sum of two pounds be paid out of the publick Treasury to M[r] Merrell for the Use of the Pet[r]. [*Passed April 16.*

## CHAPTER 509.

ORDER ALLOWING £11. 10 TO JONAS NEWTON.

A Petition of Jonas Newton, a Soldier in the Crown Point Expedition in 1756, Setting forth That being several weeks sick at Lake George he was ordered to Albany, where remaining sick his Physician advised him to come home and having the opportunity of a Team he returned home and continued sick till November, and that as he came home without a regular dismission he is not made up in the Muster Roll Therefore praying Releif.

Legislative Records of the Council, xxi., 509. Mass. Archives, lxxvi., 587.

Mass. Archives, lxxvi., 586. House Journal, pp. 424, 435.

Read and

*Ordered* that the sum of Eleven pounds ten Shillings be paid out of the Treasury to Col[o] Murray for the Use of the Pet[r] in full for his Wages within mentioned. [*Passed April 16.*

## CHAPTER 510.

ORDER GRANTING TO JOSEPH MORTON LICENCE TO KEEP AN INN.

A Petition of Joseph Morton Setting forth That he hath hired an house in Boston late in the occupation of M[r] Jonathan Dwight, which House hath for many years been improved as a Tavern And praying that the Court of General Sessions of the Peace for the County of Suffolk may be impowered to give him a License to keep a Tavern therein.

Legislative Records of the Council, xxi., 509. Mass. Archives, cxi., 400.

Mass. Archives, cxi., 399. House Journal, p. 435.

Read and

*Ordered* that the Justices of the Gen[l] sessions of the Peace for the County of Suffolk be allowed [(] if they See cause) to grant the Pet[r] a Licence to keep a House of publick Entertainment in the

House within mentioned. Provided He first obtains the Approbation of the Select Men of the Town of Boston for that purpose. [*Passed April 16.*

## CHAPTER 511.

ORDER ALLOWING £3. 12 TO ELISHA BOLTON.

Legislative Records of the Council, xxi., 509. Mass. Archives, lxxvi., 649.

House Journal, pp. 432, 435.

A PETITION of Elisha Bolton of Duxborough Setting forth that He was a Soldier in the intended Expedition against Crown Point in 1756, that he marched as far as Albany and was there taken sick and rendred unfit for Service, and by reason thereof, was not made up, in the Muster Roll Therefore praying for Releif.

Read and in answer

*Ordered* that the sum of three pounds twelve Shill^gs^ be p^d^ out of the publick Treasury to Col^o^ Bradford for the Use of the Pet^r^ in full consideration for his Service within mention'd. [*Passed April 16.*

## CHAPTER 512.

ORDER ALLOWING £2. 8 TO PETER PRESCOTT, JUN^R^.

Legislative Records of the Council, xxi., 510. Mass. Archives, lxxvi., 588.

House Journal, pp. 412, 435.

A PETITION of Peter Prescott Jun^r^ Setting forth that in consequence of General Winslows Order He was detained at Lake George a month to take care of the Sick for which he has received no pay, as the said time was not considered in making up the muster Roll Therefore praying an Allowance.

Read and

*Ordered* that there be allowed to be paid out of the publick Treasury to the Pet^r^ two pounds eight shillings in full satisfaction for his services above mentioned. [*Passed April 16.*

## CHAPTER 513.

VOTE ESTABLISHING THE RATE OF BILLETING FOR OFFICERS & SOLDIERS.

Legislative Records of the Council, xxi., 510.

House Journal, p. 436. Province Laws, iii., 1079, note.

*Voted* That the Officers and Soldiers raised for the present Expedition be allowed and paid out of the Public Treasury five shillings and eight pence ℔ week for their billetting; including the allowance made them by Lord Loudoun; said Officers Allowance to be from the 25^th^ of March last until they receive the Kings Allowance and that of the Soldiers from the time of their being mustered till they receive said Allowance. [*Passed April 16.*

## CHAPTER 514.

ORDER IMPOWERING CALEB KINGSBURY, GUARDIAN, TO JOIN WITH EPHRAIM WARE IN THE PARTITION OF AN ESTATE.

A PETITION of Caleb Kingsbury of Needham Setting forth That about eight years since he was appointed by the then Judge of Probate for the County of Suffolk Guardian to two Non-compos Persons of said Town, John Gill and Israel Gill; who held a small real Estate in common and undivided. That said John is since dead and Administration of his Estate was granted to the Petitioner. That there being no personal Estate for the payment of the deceased's debts, liberty was granted by the Superior Court for the Sale of the said John's real Estate being undivided as aforesaid, and the Petitioner sold the same to Ephraim Ware of Needham, & has accounted for the Proceeds And praying That he may be impowered in behalf of the surviving Non-compos to join with the said Ephraim Ware in making Partition of the said Real Estate.

Legislative Records of the Council, xxi., 510.

House Journal, p. 436.

Read and

*Ordered* That the Prayer of this Petition be granted. And the Petitioner is hereby impowered to join with the within named Ephraim Ware in the partition of the Real Estate within mentioned, as fully as the said Israel the surviving Non-compos person might do if He were of a sound mind and not under Guardians as therein mentioned. [*Passed April 16.*

## CHAPTER 515.

ORDER ALLOWING £3. 13. 4 TO ELDAD TAYLOR.

A PETITION of Eldad Taylor Praying an Allowance for victualling Twenty three of the Connecticutt Soldiers on their return from Stockbridge &c and of thirty-nine Soldiers of Col° Plaisteds Regiment in their return from Lake George.

Legislative Records of the Council, xxi., 511. Mass. Archives, lxxvi., 648.

Read and

*Ordered* that there be allowed to be paid out of the publick Treasury the sum of three pounds thirteen shillᵍs and four pence half penny to the Petitioner in full consideration of the Account Annexed. [*Passed April 16.*

Mass. Archives, lxxvi., 648. House Journal, pp. 426, 427, 437.

## CHAPTER 516.

ORDER IMPOWERING JOHN PERRY, GUARDIAN, TO SELL LAND.

A PETITION of John Perry of Lexington Guardian of Thomas Perry a Minor of twelve years of age Setting forth that the said Minor is intitled by the Will of his Grandfather Joseph Dudley late of Concord deceased to a peice of Land in the Northerly part of said Concord containing about two Acres & an half; which lying only seven rod wide & near Sixty in length will require much fencing Stuff, and their being neither Stone nor Timber on the Premises

Legislative Records of the Council, xxi., 511. Mass. Archives, xix., 535.

Mass. Archives, xix., 534. House Journal,

pp. 381, 437. Province Laws, ii., 151, chap. 10.

suitable for the Purpose, the Income of the Land will never pay the cost of purchasing the Same Therefore praying for liberty to sell the said Land for the benefit of the Minor.

Read and

*Ordered* that the Petr in his capacity within mentioned be and he hereby is impowered to make Sale of the two Acres and half of Land mentioned And to Execute a good Deed thereof. He observing the direction of the Law in that case provided And giving sufficient Caution to the Judge of Probate for the County of Middlesex, that the proceeds of said Sale shall be put out at interest for the benefit of the within named Thomas Perry. [*Passed April 16.*

## CHAPTER 517.

ORDER ALLOWING £2 TO NATHANIEL FITTS.

Legislative Records of the Council, xxi., 512. Mass. Archives, lxxvi., 604.

House Journal, pp. 421, 436.

A PETITION of Nathanael Fitts of Salisbury Setting forth That his Servant Simon Williams was a Soldier in the Crown Point Expedition in 1755, that he lay long sick at Lake George, and was afterwards removed to Albany where he died: That the said Simon's Gun was lost, and forty shillings stopped from his Wages on account thereof; And praying Releif.

Read and

*Ordered* that the sum of two pounds be paid out of the publick Treasury to Caleb Cushing Esqr for the Use of the Petr in full Satisfaction for the Gun within mentioned. [*Passed April 16.*

## CHAPTER 518.

ORDER ALLOWING £3. 5. 8 TO JAMES RUSSELL.

Legislative Records of the Council, xxi., 512. Mass. Archives, lxxvi., 403.

Mass. Archives, lxxvi., 404. House Journal, p. 437.

A PETITION of James Russell of Haverhill Setting forth That he was a Soldier in the Crown Point Expedition in 1756 and that being taken sick on his return home, he was at the expence of a Doctor, Nurse & Horsehire, & that he was six weeks on the road, which time is not carried out in the Muster Roll. And praying an Allowance.

Read and

*Ordered* that the Sum of three pounds five shillings and eight pence be paid out of the publick Treasury to Mr Marsh for the Use of the Petr in full consideration for the Charge within mentioned. [*Passed April 16.*

## CHAPTER 519.

ORDER ALLOWING £2. 2. 3 TO ELISHA KEYS.

Legislative Records of the Council, xxi., 512. Mass. Archives, lxxvi., 368.

A PETITION of Elisha Keys of Shrewsbury Setting forth That Daniel Wheelock a Soldier in the late Crown Point Expedition being sick at Albany, sent to his Freinds earnestly desiring that some of them would come to him to bring him home, upon which

the Petitioner made a Journey so far as Green Bush, where he heard that the said Daniel was dead. and praying an allowance for his time and Expence.

Mass. Archives, lxxvi., 367. House Journal, p. 436.

Read and

*Ordered* that the sum of two pounds two Shillings and three pence be paid out of the publick Treasury to M^r^ Isaac Temple for the Use of the Pet^r^ in full Satisfaction for the Services within mentioned. [*Passed April 16.*

## CHAPTER 520.

ORDER ALLOWING £2. 5. 8 TO JAMES WOODWARD.

A PETITION of James Woodward a Soldier in the Crown Point Expedition in 1756. Setting forth that He was Sick upon his return home which put him to considerable expence and that he had the misfortune likewise on his return to lose his Gun, for which Four pounds has been stopt from his Wages And praying the compassionate consideration of the Court.

Legislative Records of the Council, xxi., 513. Mass. Archives, lxxvi., 585.

Mass. Archives, lxxvi., 584. House Journal, p. 434. *Ante*, p. 695, chap. 416.

Read and

*Ordered* that the Sum of two pounds five shill^gs^ and eight pence be allowed to be paid out of the publick Treasury to M^r^ John Temple for the Use of the Pet^r^. [*Passed April 16.*

## CHAPTER 521.

VOTE APPOINTING A COMMITTEE TO PREPARE AN ACCOUNT OF THE CHARGES FOR THE SUPPORT OF FRENCH NEUTRALS.

In the House of Rep^ues^

Legislative Records of the Council, xxi., 513. Mass. Archives, xxiii., 387[2].

*Voted* that Thomas Flucker James Russell and Stephen Hall Esq^rs^ with such as the Hon^ble^ Board shall Joyn be a Comm^ee^ to prepare an Account of the Charges this Province have been at in Supporting the late French Inhabitants of Nova Scotia, as well those who were immediately Ordered here by that Goverm^t^ as those who arriv'd here from some of His Majesty's Southern Governments That the last Acc^t^ may be transmitted to Governour Lawrence as soon as may be And the other to M^r^ Agent Bollan

House Journal, p. 438. Province Laws, iii., 1061, note. *Ante*, p. 644, chap. 283; p. 679, chap. 386.

In Council Read & Concur'd & Sam^l^ Watts & Jn^o^ Erving Esq^rs^ are Joyned in the Affare. [*Passed April 16.*

## CHAPTER 522.

ORDER OF NOTICE WITH STAY OF EXECUTION ON THE PETITION OF JOHN WRIGHT.

A PETITION of John Wright Setting forth that in March 1749 he purchased of one Daniel Emes then of Wilmington a Tract of Wild Land containing two hundred Acres opposite to the North end of Arowsick Island commonly known by the name of Toweseck

Legislative Records of the Council, xxi., 513. Mass. Archives, xliv., 371.

Mass. Archives, xliv., 366–377. House Journal, pp. 410, 438.

Neck, for which he had a good deed with a sufficient Warranty, whereupon he built a good house and made other Improvements, but crossing a river in order to have his deed recorded he unfortunately lost it with many other Papers, & the said Emes refuses to give him another deed for the same. That the Rev$^{d}$ M$^{r}$ Gardner of Stow claims the said Land and has brought an Action for the same against the Petitioner, who being in the Service of the Government was obliged to go to Lake George, & thought himself safe in so doing as he might justly have expected an Imparlance; But that the Petitioner was defaulted, and Judgement recovered against him for Seventy odd Pounds damage Therefore praying That the proceedings on said Gardner's Suit may be set aside and the Execution thereon be stopt and rendred of no Force, and that he may be enabled to proceed to a fair Trial with said Gardner.

Read and

*Ordered* that the Pet$^{r}$ serve the Adverse Partie M$^{r}$ Gardner with a copy of this Pet$^{n}$ that He shew cause if any He have on the second thirsday of the next May session why the Prayer thereof should not be granted and Execution on the last mentioned Judgment is stayed in the mean time. Provided the Pet$^{r}$ give security to the Sheriff of the County of Suffolk to pay what shall finally be adjudged due, with Interest from this time.[1] [*Passed April 16.*

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## CHAPTER 523.

ORDER ALLOWING THE ACCOUNT OF THE GUARDIANS OF THE PLYMOUTH INDIANS.

Legislative Records of the Council, xxi., 514. Mass. Archives, xxxii., 768.

Mass. Archives, xxxii., 767. Legislative Records of the Council, xxi., 235. House Journal, pp. 258, 262 (December, 1755); p. 282 (April, 1755); pp. 101, 102, 429, 430.

AN ACCOUNT of the Guardians of the Plymouth Indians more especially with regard to their doings in the Sale of a Tract of Land at Mattakaset by Order of this Court containing one hundred and seventy Acres & an half, which Land belonging to Patience Thomas, Abigail Quason & Caleb Brand, Indians, they had sold to Capt$^{n}$ Nathanael Cushing, & M$^{r}$ Israel Turner for One hundred & eighty four pounds two shillings and nine pence half penny with an account of the charge & expence attending the Sale.

Read and

*Ordered* that the within Accompt be allowed and that there be paid to the said Guardians out of the s$^{d}$ Indian's Money in their hands the sum of Eleven pounds three Shillings and two pence half penny in full discharge of the Debt mentioned. And that they be accountable to the said Indians for the Sum of One hundred Seventy two pounds Nineteen Shillings and Sevenpence half penny. [*Passed April 16.*

[1] At the hearing June 3, 1757, this petition was dismissed.

## CHAPTER 524.

VOTE DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES OF ROBERT MATTHEWS IN FULL.

A PETITION of Sarah Matthews Setting forth that her late Husband Robert Mathews was in the two intended Expeditions in the years 1755 and 1756, whereby he was pursuant to a Vote of this Court intittled to half Pay for the time between the two Expeditions, but that the same was omitted in the Muster Roll & praying for Relief.

Legislative Records of the Council, xxi., 515. Mass. Archives, lxxvi., 646.

*Voted* that the Province Treas$^{r}$ be & hereby is Directed to pay to Sarah Mathews within named the full of the wages that were Due to her Late husband Robert Mathews Dec$^{d}$ for his half pay from the 17$^{th}$ Day of December 1755 To the 22$^{d}$ Day of april 1756. after the rate of one pound Six Shillings & Eight pence ℔ month amounting to the sum of four pounds Thirteen Shillings & four pence. [*Passed April 16.*

Mass. Archives, lxxvi., 647. House Journal, p. 438. *Ante*, p. 448, chap. 299.

## CHAPTER 525.

ORDER ALLOWING £5. 6. 8 TO WILLIAM WOOD.

A PETITION of William Wood of Westborough Setting forth he served as Ensign at Lake George from 27 Nov$^{r}$ 1755 till 4 June, but that through mistake he was made up ten weeks short of said time in the muster Roll and praying an Allowance.

Legislative Records of the Council, xxi., 515. Mass. Archives, lxxvi., 600.

Read and

*Ordered* that the Pet$^{r}$ be allowed to be paid out of the publick Treasury the sum of five pounds Six Shill$^{gs}$ and eight pence in full for his Service above mentioned. [*Passed April 16.*

House Journal, pp. 411, 439.

## CHAPTER 526.

ORDER ALLOWING £3 AND £3 PER ANNUM ADDITIONAL TO JUDAH CLARK.

A PETITION of Judah Clark of Harvard Setting forth That He was in the Engagement near Lake George in 1755, and there received a Ball in his left elbow, which has deprived him of the use of that Arm, And praying an Allowance.

Legislative Records of the Council, xxi., 515. Mass. Archives, lxxvi., 563.

Read and

*Ordered* that the sum of three pounds be p$^{d}$ out of the publick Treasury to the Pet$^{r}$ at present. And that He be allowed three pounds per Annum till the further Order of this Court. [*Passed April 16.*

House Journal, pp. 398, 399, 437.

## CHAPTER 527.

ORDER ALLOWING £40 TO MOSES DESHON.

Legislative Records of the Council, xxi., 516. Mass. Archives, lxxvi., 350.

Mass. Archives, lxxvi., 347. House Journal, pp. 370, 395, 439.

A PETITION of Moses Deshon Setting forth that in February 1756 he received a Commission for Major of Col° Thacher's Regiment, that he laid a long time sick at Fort Miller & Fort Edward, insomuch that Major General Lyman gave him leave to retire to Albany for the Recovery of his health, that his Illness continuing, he returned home by Water: And as the Earl of Loudoun had given orders that the sick should be dismissed, praying that his case may be considered, and that he may be allowed his Wages and expences, although he returned home without any special Leave.

Read and

*Ordered* that the sum of forty pounds be allowed to be paid out of the publick Treasury to the Pet^r^ in full consideration for his Service within mentioned. [*Passed April 16.*

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## CHAPTER 528.

ORDER FOR SIX SOLDIERS TO BE POSTED AT RICE'S GARRISON IN CHARLEMONT.

Legislative Records of the Council, xxi., 518. Mass. Archives, cv., 558.

Mass. Archives, cv., 557. House Journal, pp. 446, 448. *Ante*, p. 441, chap. 277; p. 707, chap. 448.

A PETITION of Samuel Rice for himself & his three Bretheren, Inhabitants at Charlemont so called in the County of Hampshire Setting forth that the principal Improvements in said place have been made by their deceas'd Father & themselves That the General Court was pleased the last year to allow eight men to be posted at Charlemont, for the more immediate defence of a Garrison House the Petitioners were to build there which House is since built, And praying the further consideration of the Court.

Read And

*Ordered*, that the Prayer of this Petition be so far granted as that there be allowed six Soldiers to keep said Rices Garrison & guard them at their labour. said Sold^rs^ to be inlisted by y^e^ Pet^rs^ And allowed the same wages & be discharged at the same time with the Soldiers now stationed at Charlemont. [*Passed April 18.*

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## CHAPTER 529.

ORDER IMPOWERING MERIAM ASHLEY, EXECUTRIX, TO SELL LAND.

Legislative Records of the Council, xxi., 421. Mass. Archives, xix., 480.

Mass. Archives, xix., 479. Legislative Records of the Council, xxi., 519. House Journal, pp. 294, 325,

A PETITION of Meriam Ashley, Widow of Noah Ashley late of Westfield Esq^r^ deceased & Executrix of his last Will & Testament Setting forth that the deceaseds debts exceed his personal Estate more than One hundred & thirty four pounds that he died seized of a Farm in Westfeild called Pochasock Farm including a Tract of Land called Grape Vine Hollow, which she apprehends is the most suitable part of the deceaseds Estate to be sold for the payment of his debts, although more than sufficient for that purpose, yet she apprehends it would be detrimental to

the Estate to sell off a part Therefore praying she may be impowered to sell the whole. 330, 331. Province Laws, ii., 151, chap. 10.

*Ordered* that the Prayer of this Petition be granted And that the Petr be and hereby is impowered (with ye Advice & Consent of Josiah Dwight Esqr of Springfield) to make Sale of the Lands mentioned & to make & Execute a good Deed or Deeds of the same, she conforming in the Sale thereof to the Directions of the Laws of this Province respecting the Sale of Lands by Executors & Administrators &ca and also she first giving Bond with sufficient Sureties to the Judge of Probate of Wills &c, in the County of Hampshire, to improve so much as is necessary of the Proceeds of the Sale thereof to the Payment of the Debts of said Testators, & to account with the Guardians of the Heirs of said Testators for their proportionable Shares of the Residue thereof, Allowing to said Petr the Improvement of one Third of the Proceeds of said Sale, after Payment of said Debts, during her Life. [*Passed April 18.*[1]

## CHAPTER 530.

### ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

UPON THE PETITIONS of Sundry Persons in the Pay of this Government praying an Allowance for their several Expences in the Crown Point Expedition in 1755. Legislative Records of the Council, xxi., 520.

*Ordered* That there be allowed and paid out of the Public Treasury to Mr Thomas Lancaster as Executor of the last Testament of Jeremiah Jewet deceased the Sum of Four pounds sixteen shillings & one penny: To John Worthington Esqr for the use of Samuel Wright three Pounds four shillings & ten pence; for the use of Elisha Ferry thirty nine shillings & two pence; for the use of Captn Ebenezer Hitchcock seventeen shillings & four pence; for the use of Edward Chapin fifty two shillings & nine pence & for the use of Jonathan Parsons thirty shillings; To Mr Gideon Lyman for the use of Jonathan Lankton fifteen Pounds three shillings and ten pence: To Captn Solomon Pepper for the use of Daniel Hamilton five Pounds fifteen shillings & six pence & to William Richardson Esqr for the use of William Willard thirty two shillings, in full consideration of the Expences on the Expedition against Crown Point in 1755 in their respective Petitions mentioned. [*Passed April 19.* Mass. Archives, lxxvi., 210, 375, 476, 513, 514, 516, 565, 691. House Journal, p. 442.

## CHAPTER 531.

### ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

UPON THE PETITION of Sundry Persons in the Pay of this Government, praying to be allowed for their several Expences in the Crown Point Expedition in 1756. Legislative Records of the Council, xxi., 520.

*Ordered* That there be allowed & paid out of the Public Treasury to Mr Jonathan Foster for the use of Levi Andrews forty shillings & four pence: To Joseph Gerrish Esqr for the use of Joseph Pet- Mass. Archives, lxxvi., 190, 291, 396, 441, 442, 474, 475, 562, 591, 592,

[1] This chapter passed the House of Representatives February 16, 1757, but final action did not take place until April 18, 1757, following.

593, 634, 651, 652, 653, 654, 675, 676, 687. House Journal, pp. 442, 443.

tingal three pounds eighteen shillings & eight pence, & for the use of Francis Greenleaf twenty shillings & three pence. To Samuel White Esq$^{r}$ for the use of William Andrews fifty eight shillings & six pence, & for the use of Reuben Richmond Five pounds seventeen shillings & seven pence. To Cap$^{n}$ Jonathan Whitney for the use of George Dickenson forty two shillings and eight pence: To Caleb Cushing Esq$^{r}$ for the use of Samuel French thirty five shillings & eight pence, for the use of Joseph Morril twenty four shillings & four pence; for the use of John Eaton Forty eight shillings; for the use of John Buswell thirty one shillings, and for the use of Moses Merrill three Pounds two shillings. To Joseph Buckminster Esq$^{r}$ for the use of Elijah Kindrick forty shillings; To Daniel Howard Esq$^{r}$ for the use of Archibald Robinson thirty four shillings and four pence; To Thomas Foster Esq$^{r}$ for the use of Benjamin Cornish four Pounds eleven shillings and six pence. To M$^{r}$ Richard Bailey for the use of James Bailey twenty shillings, and for the use of Michael Woodcock seven Pounds sixteen shillings and four pence; To Capt$^{n}$ John Brown for the use of Josiah Robinson Five pounds sixteen shillings & eight pence; To Capt$^{n}$ Benjamin Hutchins, for the use of Sarah Bowers four Pounds eight shillings, To Timothy Brigham Esq$^{r}$ for the use of Jesse Maynard five Pounds eight shillings. To M$^{r}$ Daniel Staniford for the use of Daniel Chapman thirty two shillings; To John Murray Esq$^{r}$ for the use of Zeruiah Pratt three Pounds nine shillings and three pence; And to John Norris fifty six shillings & nine pence in full discharge of the several accounts of expences on the Expedition against Crown Point the last year in their Petitions respectively mentioned. [*Passed April 19.*

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## CHAPTER 532.

ORDER ALLOWING THE BILLETING ACCOUNT OF JOHN FARRAR TO MARY FARRAR, ADM$^{X}$, AND £3 ADDITIONAL.

Legislative Records of the Council, xxi., 521. Mass. Archives, lxxvi., 366.

A PETITION of Mary Farrar Administratrix to her late Husband John Farrar late of Lancaster deceased, Setting forth that he the said John was in the Expedition against Crown Point in 1755, & had no opportunity to obtain his billeting money: That he was likewise in the other Expedition in 1756, and died at Sheffield in his Return home, And praying an Allowance for his billetting as aforesaid, and likewise for sundry Expences attending his last Sickness.

Mass. Archives, lxxvi., 366. House Journal, p. 443. *Ante*, p. 585, chap. 137.

Read And

*Ordered* That there be allowed & paid out of y$^{e}$ public Treasury to y$^{e}$ Pet$^{r}$ the money due to her late Husband for his Billeting on his return home from Lake George in 1755 as made up in Cap$^{t}$ Asa Whitcombe's Muster Roll, any order of y$^{e}$ Court to y$^{e}$ Contrary notwithstanding Also y$^{e}$ further sum of three pounds in Consideration of y$^{e}$ Expences mentioned occasioned by her said Husbands Sickness whilest in y$^{e}$ service on the last exped$^{n}$ against Crown point. [*Passed April 19.*

## CHAPTER 533.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES OF JOSEPH ABBOTT IN FULL.

A Petition of Thomas Abbot Setting forth that Joseph Abbot, his Son, a Soldier in the Crown Point Expedition in 1756 was either killed or taken Captive in the Service, & as there is a deduction made from his Wages on account of his Gun's not being returned Praying that he may be allowed to receive his said Sons full Wages notwithstanding.

Legislative Records of the Council, xxi., 522. Mass. Archives, lxxvi., 526.

House Journal, pp. 396, 443.

Read And

*Ordered* That ye Treasurer pay to Mr James Frye for the use of ye Petr the full Wages due to his Son Joseph Abbot. [*Passed April 19.*

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## CHAPTER 534.

ORDER ALLOWING SUBSISTENCE ACCOUNT OF COL. EPHRAIM WILLIAMS.

A Petition of Thomas Williams Setting forth that Colo Ephraim Williams of Stockbridge deceased in consequence of an Act of this Government making Provision for the subsistence of the Troops raised for the Crown Point Expedition in 1755 until they should arrive at the place of rendezvous, did in his Life time engage for the subsistence of nine of the Companies in his Regiment, and in part discharge the Same, Therefore praying an Allowance.

Legislative Records of the Council, xxi., 522. Mass. Archives, lxxvi., 583.

Mass. Archives, lxxvi., 582. House Journal, pp. 418, 438. *Ante*, p. 455, chap. 318.

Read And

*Ordered*, that Subsistance be allowed to the several Persons containd in the Acct Exhibited (except Majr Ashley's Company already paid) at the rate of four shillgs per Week and so in proportion amounting in the whole to the Sum of Eighty Seven pounds ten Shillgs and that the Same be pd into the hand of the Petr Thos Wms to be by him paid to the several Persons to whom the same is due He to be accountable. [*Passed April 19.*

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## CHAPTER 535.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES OF JOHN MANSOR IN FULL.

A Petition of John Mansor; a Soldier in the Crown Point Expedition in 1756. Setting forth, That being taken sick at a place called the Half Moon; He delivered his Gun into the Store house there to the Care of Doctor Cook, who has the Custody of said Store And praying that he may be allowed to receive his full Wages without any deduction on account of said Gun.

Legislative Records of the Council, xxi., 523. Mass. Archives, lxxvi., 673.

House Journal, p. 443.

Read and

*Ordered*, That the Treasurer pay to Mr Benjamin Hills for ye use of ye Petitioner the full of his Wages. [*Passed April 19.*

## CHAPTER 536.

ORDER IMPOWERING SAM[L] HARPER, ADM[R], TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

Legislative Records of the Council, xxi., 523. Mass. Archives, xix., 564.

Mass. Archives, xix., 562. House Journal, pp. 441, 442. Province Laws, ii., 151, chap. 10.

A PETITION of Samuel Harper Administrator on the Estate of Andrew Harper late of Harvard deceased Setting forth that the said deceased's Estate is represented insolvent, and inasmuch as the Superior Court for the County of Worcester will not sit till September next, (where he ought otherwise to apply) praying that this Court would impower him to make sale of the deceaseds Real Estate, exclusive of the Widows Dower, for the payment of his just debts.

Read And

*Ordered* that the prayer of this Petition be Granted & that the petitioner be & hereby is Impowered in his Capacity as Adm[r] to make Sale of the Deceased[s] Reall Estate Mentioned in S[d] Petition for the Most the Same Will fetch, He observing the Directions of the Law Respecting the Sale of Real Estates and to make & Execute a Good Deed or Deeds for Conveyance thereof the Proceeds of such Sale to be Disposed of as follows viz one Third of the Income for the use of the Widdow During Life & the Remainder Be applied for the payment of the Deceaseds Just Debts and after the Death of the Widdo her Dower also be applied for the payment of the Debts of the Deceased and the Overplus If any there be Divided among the heirs of the Deceased according to Law, provided Sufficient Caution Be given to the Judge of Probates for the County of Worcester accordingly. [*Passed April 19.*

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## CHAPTER 537.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES OF BENJ[A] MANNING IN FULL.

Legislative Records of the Council, xxi., 524. Mass. Archives, lxxvi., 456.

House Journal, p. 443. *Ante*, p. 695, chap. 416.

A PETITION of Benjamin Manning Setting forth that his Son Benj[a] Manning a Soldier in the Crown Point Expedition in 1756 died at Still Water upon his return home, & his Gun not being returned, there is a deduction of Four Pounds on Account thereof from his Wages. And praying that he may be allowed to receive the same out of the Treasury.

Read And

*Ordered* that the Treasurer pay to Cap[t] Ephraim Spaulding for the use of the Pet[r] the full Wages of his Said Son dec[d]. [*Passed April 19.*

## CHAPTER 538.

ORDER ALLOWING £3. 16 TO EBENEZER DAVIS.

A PETITION of Ebenezer Davis of Sturbridge in the County of Worcester Setting forth that he inlisted himself a Private Soldier under Captn William Phips in the Expedition against Canada, & expected his Captn would have paid for his billeting, but when the Troops were disbanded, he was obliged to answer the same himself, and praying an allowance.

Legislative Records of the Council, xxi., 524. Mass. Archives, lxxvi., 385.

Read and

*Ordered*, That there be allowed & paid out of ye public Treasury to Moses Marcy Esqr for ye use of ye Petr ye sum of three pounds sixteen shillings in full for his Billeting Mentioned. [*Passed April 19.*

Mass. Archives, lxxvi., 385. House Journal, pp. 430, 444.

## CHAPTER 539.

ORDER IMPOWERING EPES SARGENT AND OTHERS TO SELL ROOM IN THE GALLERY OF A MEETING HOUSE IN GLOUCESTER.

A PETITION of Epes Sargent and Others Setting forth That they with other Persons since deceased built the Meeting House in the first Parish in Glocester, reserving to themselves the Pews and vacant room in the Galleries; that the Parish have now agreed to purchase the said vacant room, and praying that the surviving Proprietors may be enabled to sell & convey the same; they accounting with the Heirs of those deceased, (some of whom are Minors) for their Shares of the purchase Consideration.

Legislative Records of the Council, xxi., 524. Mass. Archives, xiv., 19.

Read and

*Ordered*, That the Prayer of this Petition be granted And That ye Petitioners in their said Capacity be and hereby are impowered to make Sale of the Vacant room in the Galleries mentioned in ye Petn & yt ye Petrs be & hereby are impowered to make and execute a good & sufficient Deed or Deeds of the same they to be Accountable to the Heirs which are Minors or their Guardians for their proportionable part of the produce of the whole of Such Sale. [*Passed April 19.*

Mass. Archives, xiv., 18. House Journal, pp. 427, 444. Province Laws, xii., 530, chap. 127.

## CHAPTER 540.

ORDER IMPOWERING TIMOTHY WOODBRIDGE, ESQR, TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A PETITION of Elisha Pomroy and Eleazer Burt both of Northampton Setting forth that one William Wohwohwoos an Indian of Stockbridge now deceased was indebted to the Petitioners for Sundry Goods supplied him about five years since, that he has left little or no personal Estate, but died seized of a real Estate in said Stockbridge, and has left no Issue or near Relations in any degree to inherit the same And praying that said Real Estate may be subjected to the payment of said Williams just debts and that

Legislative Records of the Council, xxi., 525. Mass. Archives, xxxii., 766.

House Journal, p. 445.

some person at Stockbridge may be impowered to make sale thereof accordingly.

Read and

*Ordered* That the Prayer of this Petition be so far granted as That Timothy Woodbridge Esq[r] be & hereby is Appointed to examine the Debts & make Sale of & give & execute good Conveyances of said William Nohwohwooes [1] reall Estate as to pay his just Debts and settle with the several Creditor's of said Estate, he to be Accountable to the Court. [*Passed April 19.*

## CHAPTER 541.

VOTE ALLOWING £110. 15. 8 AND A FURTHER SUM OF £15 TO JOSEPH PEABODY, COMMISSARY.

Legislative Records of the Council, xxi., 525.

House Journal, pp. 411, 449.

IT APPEARING to this Court That Joseph Peabody, Commissary to a Regiment on the late Expedition against Crown Point charges the Government with the Sum of Eight hundred and thirty eight Pounds one shilling & two Pence due to ballance his Account, cheifly saved out of the Soldiers Allowance, which ought to have been for the benefit of the Government, & not of the Commissary. And whereas he advanced out of his own money in sundry Articles delivered to the Soldiers the Sum of One hundred & ten pounds fifteen shillings & eight pence, which this Government hath received the benefit of Therefore

*Voted* That the said Sum of One hundred & ten pounds fifteen shillings and eight pence; as also the further Sum of Fifteen Pounds for cloathing that he left more than is charged in his account be allowed him in his said Accounts & no more. [*Passed April 19.*

## CHAPTER 542.

VOTE ALLOWING £161 TO ISAAC THOMAS, COMMISSARY.

Legislative Records of the Council, xxi., 526.

House Journal, p. 449.

IT APPEARING to this Court that Isaac Thomas, one of the Commisaries in the late Expedition against Crown Point charges the Government with the Sum of Five hundred and three Pounds eleven shillings & four pence due to ballance his account, a considerable part whereof was a saving out of the Soldiers Allowance, & ought to be for the benefit of the Government, & not of the Commissary. And whereas the said Thomas has advanced in sundry Articles delivered to said Soldiers the Sum of One hundred & sixty one pounds which the Government hath received the benefit of Therefore

*Voted* That the said Sum of One hundred & sixty one Pounds be allowed him in his said Accounts & no more. [*Passed April 19.*

[1] *Sic.*

## CHAPTER 543.

ORDER DIRECTING THE COMMITTEE OF WAR TO PROVIDE NECESSARIES FOR THE SOLDIERS UNDER THE EARL OF LOUDOUN.

*Ordered* That the Committee of War be directed to procure and put into the hands of the Commissary of the Forces of this Province raised for his Majestys Service under the command of his Excellency the Earl of Loudoun such Articles as they shall apprehend will be for the Service and comfort of the Soldiers and are not provided for by the Crown. [*Passed April 19.*

Legislative Records of the Council, xxi., 556. Mass. Archives, lxxvi., 697.

House Journal, p. 451. *Ante*, p. 443, chap. 282.

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## CHAPTER 544.

ORDER IMPOWERING ABIGAIL HOLBROOK, GUARDIAN, TO SELL REAL ESTATE.

A PETITION of Abigail Holbrook, Guardian to sundry of the Minor Children of Jonathan Holbrook late of Sherburn dec[d] praying for Liberty to make Sale of part of the Real Estate of the deceased in Order for her discharging the Debts incurr'd by the Maintenance of the said Minors.

Legislative Records of the Council, xxi., 305 Mass. Archives, xix., 429.

It appearing the several Persons interested in the within named Deceased's Estate, or otherwise concern'd, have been duly notifyed to make answer thereto, and no answer being made, or objection offer'd,

Mass. Archives, xix., 428, 430. Legislative Records of the Council, xxi., 527. House Journal, pp. 222, 453. Province Laws, ii., 151, chap. 10.

*Order'd*, that the Prayer thereof be so far granted as that the Petitioner in her said Capacity be & she is hereby impowered to make Sale to as good advantage as may be of such part of the said Deceased's Real Estate (not exceeding fifteen acres) as can be spared with least prejudice to the whole, she giving previous publick notice of the intended Sale in time & manner as the Law respecting the Sale of Real Estates by Executors & administrators doth direct and giving due Caution to the Judge of Probate for meddlesex that the Proceeds of such Sale shall be truly applyed for the Purposes in said Petition mentioned; and that she be accountable to him for her Proceedings in the Premises when thereto required. [*Passed April 19.*

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## CHAPTER 545.

ORDER OF NOTICE ON PETITION OF THE TOWN OF WATERTOWN IN REGARD TO ANNEXING PERSONS AND ESTATES.

A PETITION of a Committee of the Town of Watertown Setting forth, that this Court were lately pleased to take off from said Town a number of their Inhabitants together with six hundred Acres of Land and annex them to the Town of Cambridge to enable them to build a new Meeting House. that the Town of Watertown has since lost their Meeting House by Fire, and been at great charge

Legislative Records of the Council, xxi., 527. Mass. Archives, cxvii., 93.

Mass. Archives, cxvii., 91-100.

House Journal, p. 452. *Ante*, p. 154, chap. 361.

in building of another Therefore praying that their late Inhabitants & their Estates may be restored to them, or that a Number of the Inhabitants of Newtown who lye adjacent, and are willing to come to Watertown, may with their Estates be annexed thereto, together with a peice of Marsh lying in Cambridge, but cheifly owned by Inhabitants of Watertown.

Read and

*Ordered* That the Petitioners serve the Clerks of the Towns of Cambridge & Newton with attested Copies of this Petition that they shew Cause if any they have, on the second Wednesday of the next May sessions, why the Prayer of this Petition should not be granted.[1] [*Passed April 19.*

## CHAPTER 546.

### ORDER IMPOWERING JOHN CUNINGHAM, EXECUTOR, TO EXECUTE A DEED.

Legislative Records of the Council, xxi., 528.

House Journal, pp. 447, 451.

A PETITION of John Cunningham Executor of the Testament of Hugh Cunningham late of Spencer in the County of Worcester deceased, and William Bemis of said Spencer Setting forth That the said Hugh in his Life time sold to said William two Acres & one hundred & thirty eight perch of Meadow in said Spencer for five pounds fifteen shillings & received the said Sum, but died before he had executed a deed for the same. And praying that said John as Executor may be impowered to execute a proper deed of conveyance of said Meadow agreeable to Contract.

Read and

*Ordered* That the prayer of this Petition be granted, and that the said John Cuningham be. & he hereby is impowered in his said Capacity to make & execute a good and sufficient deed to the said William Bemis of the Land within mentioned, & that the same be & hereby is declared to be as good and valid in the Law to all Intents, & purposes whatsoever, as if the said Hugh Cuningham had made the same in his Life time. [*Passed April 19.*

## CHAPTER 547.

### VOTE FOR REMOVING JOHN PELERINE AND FAMILY FROM PLYMOUTH TO WAREHAM.

Legislative Records of the Council, xxi., 528. Mass. Archives, xxiii., 393.

House Journal, p. 454. Province Laws, iii., 1061, note. *Ante*, p. 723, chap. 484.

WHERAS Charles muze & family Some of the french Neutrals were ordered by a Vote of this Court, of the 8th of Febʸ last to be Removed from Plymouth to wareham but have been since Removed to marshfeild Which Removal has been approved of by this Court, and there being still a Considerable Number of said french Neutrals at Plymouth, & none in the Town of wareham,

*Voted* that the select men of Plymouth Remove John Pelerine & wife & Children supposed to be five in Number, a family of said

[1] At the hearing, June 2, 1757, this petition was dismissed.

French Neutrals to the Town of wareham and that the select men of the Town of Wareham be & hereby are directed to Receive them & provide for them as the Law Directs. [*Passed April 19.*

## CHAPTER 548.

VOTE ALLOWING THE MUSTER ROLL OF ENSIGN JAMES CARR.

A Petition of *James Carr*, shewing that he received a Commission as Ensign for the 600 Recruits for the *Crown-Point* Army in *August* last, and in *September* (when the said Recruits marched) he was ordered to tarry at *Boston*, to collect and receive the Remainder of them, which Service he attended till the 8th of *Nov.* following, and kept them at *Castle-William*, when he received Orders from the late Lieut. Governour, to dismiss them; that the Muster-Roll he made up for said Men has been dis-allowed by the Committee of the House, none by Vote of the Court being intitled to Pay, but such as actually joined the Army; and praying the said Roll may be allowed, the said Vote notwithstanding.

House Journal, p. 420. Mass. Archives, xcv., 25.

Mass. Archives, xcv., 23, 25. Legislative Records of the Council, xxi., 464, 529. House Journal, pp. 420, 450, 451. *Ante*, p. 542, chap. 31; p. 592, chap. 153.

Read and

*Voted*, That this Roll be allowed, And that the Wages of the several persons borne therein be paid to them respectively out of the Province Treasury excepting Jonathan Conant, Benjamin Robbins, Moses Spofford & Jonathan Page and that there be no allowance made them. [*Passed April 19.*

## CHAPTER 549.

ORDER ALLOWING £24. 16 TO LIEUT WILLIAM BULLOCK.

A Petition of William Bullock of Rehoboth Captn Leiutenant in the Crown Point Expedition in 1756 in Majr Houses Company Setting forth That being taken sick on a Scout to South Bay he obtained leave of his Colonel on the 2d Septr to go to Albany, where continuing sick and having an oportunity of a conveyance by Water within five miles of his own house, he embraced the same and arrived there on the 21 of said month, where he lay sick for about two months And praying that he may be allowed to receive his Wages, & the expences he was at in inlisting thirty eight men, and for his own subsistence.

Legislative Records of the Council, xxi., 529. Mass. Archives, lxxvi., 661.

Mass. Archives, lxxvi., 662, 664. House Journal, pp. 431, 432, 443, 444.

Read and

*Ordered*, That the Prayer of ye Petition be so far granted, as That the Petitioner be allowed to receive out of the Province Treasury his Wages as a Lieutenant from ye 18. day of Feb: 1755 to ye 21 Day of Sepr 1756, amounting to ye sum of twenty four pounds Sixteen Shillings. [*Passed April 19.*

## CHAPTER 550.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 529.

Executive Records of the Council, xiii., 230. House Journal, p. 450.

ON THE PETITIONS of Philip Liscomb, & others, Soldiers in the Crown Point Expedition in 1755 praying allowance for sundry Expences.

*Ordered* That there be allowed & paid out of the Public Treasury to M^r^ Richard Bailey for the use of Philip Liscomb eighteen shillings, & for the use of Stewart Esty thirty shillings to John Quincy Esq^r^ for the use of John King thirty two shillings & to John Worthington Esq^r^ for the use of Deliverance Atchinson twelve shillings in full consideration of their Expences in 1755 mentioned in their respective Petitions. [*Passed April 19.*

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## CHAPTER 551.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

Legislative Records of the Council, xxi., 530.

Mass. Archives, lxxvi., 399, 400, 479, 480, 481, 482, 491, 642. House Journal, p. 450.

ON THE PETITIONS of Mathew Noble & Others, Soldiers in the Crown Point Expedition in 1756 praying Allowance for sundry Expences.

*Ordered* that there be allowed and paid out of the Public Treasury to Eldad Taylor Esq^r^ for the use of Mathew Noble three Pounds four shillings, for the use of Samuel Bancroft three Pounds ten shillings, & for the use of Abiathar Jones thirty shillings; to M^r^ Amos Fuller for the use of John Clark thirteen shillings & four pence; to Capt^n^ Solomon Pepper for the use of Samuel Baty three pounds five shillings & six pence: to James Russell Esq^r^ for the use of John Turner fifty two shillings to John Smith twelve Pounds: to Nathanael Jones forty seven shillings & four pence; and to Enos Howe four pounds five shillings & four pence; in full consideration of their Expences on the Expedition against Crown Point in the year 1756 in their Petitions respectively mentioned. [*Passed April 19.*

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## CHAPTER 552.

ORDER ALLOWING £11. 4 TO HEZEKIAH GATES.

Legislative Records of the Council, xxi., 530. Mass. Archives, lxxvi., 417.

Mass. Archives, lxxvi., 416. House Journal, p. 235 (January, 1757); pp. 444, 445, 453.

A PETITION of Hezekiah Gates Setting forth that he was employed at Albany in 1756 to deal out Provisions to Col^o^ Bagleys regiment for which Service he was paid up to the 23^d^ Sept^r^, excepting that he was to be made up in Capt^n^ Houghtons Muster Roll equal to other Soldiers, at which Rate his Pay amounts to Eleven pounds four shillings, which charge however having been disallowed by the Committee for Muster Rolls He prays the Consideration of this Court & an Allowance of said charge, as also of the Charge of his subsistence on his return home.

Read and

*Ordered*, that there be allowed and paid out of y^e^ public Treas-

ury to William Richardson Esq$^{r}$ for y$^{e}$ Use of the Petitioner the sum of Eleven pounds four shillings in full Consideration of his services Mentioned. [*Passed April 19.*

## CHAPTER 553.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY TO SAMUEL COLE, ABEL WHITNEY, JOHN NASON, AND JACOB ROYALL, FOUR DOLLARS EACH.

A Petition of Enoch Freeman of Falmouth in the County of York Esq$^{r}$ Shewing that several Soldiers belonging to Col$^{o}$ Cushings Regiment, have inlisted themselves into his Majesty's Service for the present Campaign, who were employed on the Frontiers within three years past, whereby they were intituled to ten dollars Bounty, but through mistake have received six dollars only, & praying that they may be allowed the remaining four dollars agreeable to the Encouragement given by this Government.

Legislative Records of the Council, xxi., 531.

House Journal, p. 445. Province Laws, iii., 1079, note. Commissions, Proclamations, etc., 1734–1757, vol. ii., p. 319.

Read &

*Ordered* That the Treasurer be directed to pay to the Memorialist for the use of Samuel Cole, Abel Whitney, John Nason, & Jacob Royall, four dollars each, to make up the deficiency of their bounty money as mentioned. [*Passed April 19.*

## CHAPTER 554.

ORDER ALLOWING 35/ TO W$^{M}$ WHITE AND THE WAGES OF HIS SON IN FULL.

A Petition of William White Setting forth that his Son Elijah White was a Soldier in the Crown Point Expedition in the year 1756, that upon receipt of a Letter from his said Son dated Octo$^{r}$ 30$^{th}$ informing of his being sick at Albany he immediately sent a Man up there to take the care of him, but that the said Elijah died before he got there, & that his Gun, & wearing Apparell were lost Therefore praying that he may be allowed the expence of sending to his Son, & also the Sum of Four Pounds which was deducted from his Wages on account of said Gun.

Legislative Records of the Council, xxi., 531. Mass. Archives, lxxvi., 436.

Mass. Archives, lxxvi., 435. House Journal, p. 450. *Ante*, p. 695, chap. 416.

Read and

*Ordered* That there be allowed & paid out of y$^{e}$ public Treasury to Cap$^{t}$ Phin: Lovett for y$^{e}$ Use of y$^{e}$ Pet$^{r}$ thirty five shill$^{s}$ in Consideration of y$^{e}$ Expences Mentioned And Also y$^{e}$ full Wages of y$^{e}$ s$^{d}$ Elijah White his Arms not being returned notwithstanding. [*Passed April 19.*

## CHAPTER 555.

ORDER ALLOWING 45/4 TO JOHN JONES.

A Petition of John Jones of Granvillee in the County of Hampshire Setting forth that he inlisted for the Crown Point Expedition in 1756, & having been in the Expedition the year preceeding

Legislative Records of the Council, xxi., 532. Mass. Archives, lxxvi., 468.

Mass. Archives,

lxxvi., 467. Executive Records of the Council, xiii., 240. House Journal, pp. 448, 454, 455. *Ante*, p. 448, chap. 299.

was intitled to half Pay during the intervening time, but that the same was omitted in the Muster Roll Therefore praying Releif.

Read and

*Ordered* That there be allowed & paid out of y^e^ public Treasury to the Pet^r^ y^e^ sum of forty five Shill^s^ & four pence in full of the half pay he was intitled to on his entering into y^e^ service on y^e^ Crown point Exped^n^ the last Year. [*Passed April 19.*

## CHAPTER 556.

### ORDER IMPOWERING W^M^ RICE, GUARDIAN, TO SELL LAND.

Legislative Records of the Council, xxi., 532. Mass. Archives, xix., 549.

Mass. Archives, xix., 548. House Journal, pp. 432, 454. Province Laws, ii., 151, chap. 10.

A PETITION of William Rice of Sudbury Setting forth That he was appointed Guardian to Rezinah and Phœbe Hayden Minors, & daughters to one Nathanael Hayden late of Sudbury deceased. And that said Minors are interested two fifths parts in Five Acres of Land in Concord, which the Petitioner apprehends would be most for their Interest to have sold; & praying that he may have power to sell the same accordingly.

Read and

*Ordered* That y^e^ prayer of this pet^n^ be granted; and That y^e^ Pet^r^ be & hereby is Authorized to sell the said two fifths of five Acres of Land he Observing the Directions of y^e^ Law for Exec^rs^ or Admin^rs^ selling their Testators or Intestates reall Estates by Licence of y^e^ superior Court And to execute a Deed of Conveyance thereof which shall be good & valid in y^e^ Law to all intents & purposes whatsoever, he to be Accountable to the Judge of Probate for y^e^ County of Midd^x^ for the proceeds thereof.[1] [*Passed April 19.*

## CHAPTER 557.

### ORDER DIRECTING THE PROVINCE TREASURER TO PAY TO JOB BONNEY THE WAGES DUE HIS SON.

Legislative Records of the Council, xxi., 533. Mass. Archives, lxxvi., 620.

House Journal, p. 452.

A PETITION of Job Bonney of Pembroke Setting forth That his Son Jonathan Bonney was a Soldier in the Crown Point Expedition in 1756 & died at Lake George about two or three days after the Army was disbanded, being about nineteen years of age, & praying that he the said Job may be impowered to receive his said Son's Wages.

Read and

*Ordered*, That the Treasurer be & he hereby is directed to pay to the Petitioner the Wages due on Cap^t^ Clesson's muster-Roll to his son Jonathan deceased. [*Passed April 19.*

[1] Manuscript mutilated.

## CHAPTER 558.

ORDER ALLOWING TO EPHRAIM HAYWARD THE WAGES OF NATHANAEL SEELEY.

A PETITION of Ephraim Hayward of Western Setting forth That he received an Order from John Blair for the Wages due to Nathanael Seelye together with said Seleye's order to said Blair for the same, being for his Service in the Kennebeck Expedition in the year 1754; but that so it happened that the Treasurer had paid the greatest part of said Wages upon a pretended Order in favour of one William Oliver. & praying for Releif.

Legislative Records of the Council, xxi., 533.

House Journal, pp. 373, 432, 453, 454.

Read and

*Ordered* That the Prayer of this Petition be granted & that there be allowed and paid out of the public Treasury to Capt[n] Jabez Upham for the use of the Petitioner the Wages of Nathanael Seelye as made up in the Muster Roll mentioned. [*Passed April 19.*

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## CHAPTER 559.

ORDER ALLOWING £150 TO THE EXECUTORS OF JOSIAH WILLARD, LATE SECRETARY.

A PETITION of Hannah Willard Executrix, William Willard and Henry Gibbs Executors of the last will & testament of the honourable Josiah Willard Esq[r] deceased, late Secretary of this Province Setting forth That the said Josiah Willard was first appointed Secretary of the Province by his late Majesty in the third year of his Reign, which Office he faithfully executed until the time of his death for upwards of thirty nine years, & received from time to time such Grants out of the public Treasury for his said Service as the Great and General Court were pleased to order. That the said Josiah unwilling to give the least uneasiness to the People avoided taking such Fees in his Office as he might justly have demanded, so that notwithstanding the aforesaid Grants, & Fees of his Office, he has spent a great part of his own Estate during his Continuance therein Therefore praying that his long and faithful Services may be taken into consideration, & a Grant made to his Family as may be judged reasonable.

Legislative Records of the Council, xxi., 533. Mass. Archives, xix., 566.

Mass. Archives, xix., 453, 457, 565. Legislative Records of the Council, x., 204, 205. House Journal, pp. 341, 456.

Read and

*Ordered*, That there be allowed and paid out of the Public Treasury to the Memorialists in their said Capacity the Sum of One hundred & fifty Pounds to be by them disposed of as the rest of the personal Estate of the said dec[d] agreeable to his last Will & Testament, in Consideration of His long & faithful Services in his said Office. [*Passed April 19.*

## CHAPTER 560.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £4. 2. 8 TO HANNAH THAYER, ALSO THE WAGES OF OLIVER THAYER IN FULL.

Legislative Records of the Council, xxi., 534. Mass. Archives, lxxvi., 363.

Mass. Archives, lxxvi., 363. Executive Records of the Council, xiii., 240. House Journal, p. 450. *Ante*, p. 695, chap. 416.

A PETITION of Hannah Thayer, Widow of Oliver Thayer late of Mendom deceased Setting forth that her said late Husband was in the late Expedition against Crown Point in 1756 & was brought home sick & helpless, by which means he lost his Gun, with other things of value of his own, & was at great expences for Nurses, Doctors &c and praying Releif.

Read and

*Ordered*, That the Treasurer be directed to pay to Capt Phine Lovett for ye use of ye Petr ye sum of four pounds two shills & eight pence in Consideration of ye Expences mentioned And Also ye full Wages of Oliver Thayer decd his Arms not being returned Notwithstanding. [*Passed* April 19.*

## CHAPTER 561.

Legislative Records of the Council, xxi., 534. Mass. Archives, xxiii., 389².

House Journal, p. 455.

VOTE FOR REMOVING PETER BODROIT & FAMILY FROM THE TOWN OF SCITUATE TO THE TOWN OF DUDLEY.

*Voted*, That Peter Bodroitt his Wife and five Children seven in the whole, be removed at the Charge of the Town of Scituate from ye Town of Scituate to the Town of Dudley, and be Committed to the Care of Mr Jedidiah Marcy of that Town. [*Passed April 19.*

## CHAPTER 562.

VOTE IN REGARD TO FRAUDS IN THE MUSTER ROLLS.

Legislative Records of the Council, xxi., 534. Mass. Archives, lxxvi., 698.

House Journal, p. 452.

IN ORDER to prevent fraud and deceit in any officers that may be employed by this Governmt under the King's General the present Year when the Muster Rolls shall be presented for payment,

*Voted* That no charge that may be made in the Muster Roll against any officer or Soldrs or deduction from such person's wages in favour of the Capt of such Company shall be Allowed, unless such Capt shall produce a receipt from such officer or Soldier, or sufficient vouchers to support such Charge. [*Passed April 19.*

## CHAPTER 563.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES OF JOSEPH CLOUGH IN FULL.

Mass. Archives, lxxvi., 621.

House Journal, p. 451.

THE PETITION of Joseph Clough Humbly Sheweth that your petitioner on the 16 of July Last the army being then on their march the Carriage of one of the 18 pounders having the main Bolt of the Shaft out of Order: Leivt Colll Hart who had the Care of the Cannon ordered your petitioner to stand By the Carriage with an Hammer as often as occasion should Require By which

means & By the Colonels order the Gun Was Deliverd to one of his people that to the Best of his Knowledge it was Deliver'd to the Care of Major Goffe But according to Information from Co[ll] Hart it has not since Been found Your petitioner therefore Humbly prays the Honb[le] the Council & House of Representatives would Consider the matter & Do as in their Great wisdom they shall see fit & your petitioner Shall Ever pray

Joseph Clough

Read and

*Ordered* That y[e] Treasurer be directed to pay the Pet[r] his full wages. [*Passed April 19.*

## CHAPTER 564.

ORDER IMPOWERING SIMON BLOOD, ADM[R], TO SELL REAL ESTATE AND MAKING PROVISION IN REGARD TO THE PROCEEDS.

A Petition of Simon Blood, administrator of the Estate of Samuel Hopking late of Billerica in the County of Middlesex deceased, Intestate. Setting forth That the said deceased's just debts surmount the apprized value of his Personal Estate the Sum of Thirty one pounds thirteen shillings; that his real Estate was apprized at no more than Sixty nine pounds one shilling & four pence. that a part of the said Estate cannot be sold but to great disadvantage

Therefore praying that he may be impowered to sell the whole he to be accountable.

Read and

*Order'd* that the Prayer of this Petition be granted, and that the Petitioner (in his said Capacity) be allow'd & impowered to make sale of the Whole of the said Real Estate (to as good advantage as may be) for the Purposes in said Petition mentioned; He giving previous Notice of such Sale in Time & manner as the Law directs in case of the Sale of Real Estates by Executors & administrators: and giving due Caution to the Judge of Probate for said County that the Proceeds of such sale (so far as is necessary) shall be duly applyed for Payment of the Deceased's just Debts; and that the Remainder shall be distributed among the Parties interested agreable to Law. [*Passed April 20.*

Legislative Records of the Council, xxi., 535. Mass. Archives, xix., 550.

House Journal, p. 460. Province Laws, ii., 150, chap. 10.

## CHAPTER 565.

ORDER ESTABLISHING WAGES OF SUNDRY OFFICERS UNDER THE EARL OF LOUDOUN.

*Ordered* That the following Establishm[t] be made for y[e] Officers hereafter Mentioned of y[e] Forces raised for his Majesty's service under y[e] Command of y[e] Earl of Loudoun, Viz[t]

| | | | |
|---|---|---|---|
| That there be allowed to a Chirurgeon General | £14. | ℔ m° | |
| to three Chirurgeon's Mates—each | 5. 11 | D° | |
| to the first officer over the s[d] Forces | 18. | D° | |
| to a Secretary to s[d] Officer who is to be Comissary of the Musters for the Army | 8. | D° | |

[*Passed April 20.*

Legislative Records of the Council, xxi., 536. Mass. Archives, lxxvi., 707.

Honse Journal, p. 457. Province Laws, iii., 1080, note.

## CHAPTER 566.

Legislative Records of the Council, xxi., 536. Mass. Archives, lxxvi., 704.

House Journal, p. 462. Annals of America, ii., 69.

ORDER ALLOWING £100 TO THE CHIEF OFFICER OF THE FORCES[1] FOR THE EXPENSE OF HIS TABLE.

*Ordered* That there be allowed and paid out of the public Treasury the Sum of one hundred Pounds to the Chief officer of the Forces Raised by this Province for his Majesty's Service under the Command of his Excell$^{y}$ the Earl of Loudoun (for the Expence of his Table) on the present Expedition. [*Passed April 20.*

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## CHAPTER 567.

ORDER GRANTING THE PETITION OF PHILIP WALKER IN REGARD TO ENLISTMENTS ETC.

Legislative Records of the Council, xxi., 537. Mass. Archives, lxxvi., 644.

Mass. Archives, lxxvi., 643. Executive Records of the Council, xiii., 240, 241. House Journal, pp. 432, 459.

A PETITION of Philip Walker of Rehoboth Praying an Allowance for inlisting fifty nine Soldiers in 1755 for reinforcing the Army at Lake George, & for himself finding his own Gun in the years 1755. & 1756, and for two other Officers finding their own Guns in 1755, & likewise praying an Allowance to Joseph Walker who was made up short in the Muster-Roll in 1756.

[Read &]

*Ordered* that the Province Treas$^{r}$ be & hereby is Directed to pay to to[2] the Petetioner the Sum of four pounds Seven Shillings. for the use of Timothy Walker for his Enlisting fifty Eight Soldiers as Also thirty six shill$^{s}$ for sundry persons finding their own Guns in 1755. & Three Shill$^{s}$ for the petit$^{rs}$ finding his own Gun in 1756 as Mentioned as also the Sum of Three pounds nineteen Shill$^{s}$ & Eight pence being what Joseph Walker was made up Short in Maj$^{r}$ Houses Rool in 1756. [*Passed April 20.*

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## CHAPTER 568.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES OF JOHN BREDEN, JR., IN FULL.

Legislative Records of the Council, xxi., 537. Mass. Archives, lxxvi., 674.

Mass. Archives, lxxvi., 674. House Journal, p. 460. *Ante*, p. 695, chap. 416.

A PETITION of Samuel Breden of Malden Setting forth that his Son John Breden jun$^{r}$ a Soldier in the Crown Point Expedition in the year 1756, died at Plymouth upon his return home, that his Gun was lost, & that the Petitioner can give no account of it Therefore praying that he may receive his said Son's Wages without any deduction for the loss of his Gun.

Read and

*Ordered* That y$^{e}$ Treasurer be directed to pay to M$^{r}$ Benj$^{a}$ Hills for y$^{e}$ use of y$^{e}$ Pet$^{r}$ the full of y$^{e}$ wages due to his son on the last Crown point Exped$^{n}$ his Arms not being returned notwithstanding. [*Passed April 20.*

[1] Major General John Wilson.
[2] *Sic.*

## CHAPTER 569.

ORDER ALLOWING £4 TO NATHANIEL LOW.

A Petition of Nathanael Low of Topsfeild Setting forth That he ent'red into the Kings Service on the Crown Point Expedition sometime in August last; that he marched as far as the Half-moon where he was ordered to tend the sick which prevented his being mustered with the Company, & so of his being made up in the Muster Roll, although he continued in the Service, discharging the duty assigned him till the other Troops were dismissed, & did not return home till the latter end of November Therefore praying Releif.

Legislative Records of the Council, xxi., 538. Mass. Archives, lxxvi., 679.

Mass. Archives, lxxvi., 679. House Journal, pp. 431, 460.

Read and

*Ordered* That there be allowed & paid out of y^e^ public Treasury to M^r^ Elijah Porter for y^e^ use of y^e^ Pet^r^ y^e^ sum of four pounds in full of his services on y^e^ last Exped^n^ against Crown-point. [*Passed April 20.*

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## CHAPTER 570.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY AARON CLARK HIS WAGES IN FULL.

A Petition of Aaron Clark of Sturbridge. Setting forth That he was a Soldier in the Crown Point Expedition in the year 1756, & on his return home in November he was so ill at Green Bush as to be incapable of taking care of himself or his affairs, & that his Gun was then lost for which there is a Stoppage of four pounds from his Wages, which he prays may be taken off.

Legislative Records of the Council, xxi., 538. Mass. Archives, lxxvi., 525.

Mass. Archives, lxxvi., 525. House Journal, p. 462. *Ante*, p. 695, chap. 416.

Read and

*Ordered* That y^e^ Treasurer be directed to pay to Moses Marcy Esq^r^ for y^e^ Use of y^e^ Pet^r^ the Whole of his Wages in y^e^ last Crown p^t^ Exped^n^ his Arms not being returned notwithstanding. [*Passed April 20.*

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## CHAPTER 571.

ORDER ALLOWING £1. 8 TO WILLIAM PULLING.

A Petition of William Pulling of Smithfeild in the Colony of Rhode Island Setting forth that he was a Soldier in the Crown Point Expedition in 1756 under Capt^n^ James House in the Pay of this Province, & found his own Gun; that he was made up in the Muster Roll twenty days short of the time he was actually in the Service. And praying an Allowance on account thereof.

Legislative Records of the Council, xxi., 538. Mass. Archives, lxxvi., 703.

Mass. Archives, lxxvi., 702. House Journal, pp. 432, 459.

[Read &]

*Ordered*, that there be allowed & paid out of the Publick Treasury to y^e^ Petitioner the sum of twenty five Shillings for what he was made up Short in the Muster Roal. as also Three Shillings for finding his own Gun on y^e^ last Crown p^t^ Exped^n^ making one pound Eight Shillings in the whole. [*Passed April 20.*

## CHAPTER 572.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE ON TEA, COFFEE, &c., FOR THE COUNTY OF BRISTOL AND ALLOWING 30/ FOR THE EXPENSE THEREOF.

Legislative Records of the Council, xxi., 539. Mass. Archives, cxx., 184.

House Journal, pp. 462, 463. *Ante*, p. 614, chap. 210.

THESE CERTIFY that Mr Benja Williams of Taunton was the highest Bidder for the Excise on Coffeè Tea & China Ware for one year from the first Day of November last past & it was sold to him for four pounds & five shillings Lawfull money & he has given bond with Suretys to pay the same into the Province Treasury agreeable to Law & the sd bond is Lodged with the Province Treasurer

℔ order of the Comitte GEORGE LEONARD

Read and [report] Accepted, And

*Ordered*, That there be allowed and paid out of the public Treasury to the said Committee the sum of thirty shillings in full discharge of their Accot of Time and Expences Exhibited. [*Passed April 20.*

## CHAPTER 573.

ORDER ALLOWING 15/ TO CAPT EBENEZER LEARNED AND 3/ EACH TO ELISHA RICH, THOMAS RICH AND JONATHAN SAWING.

Legislative Records of the Council, xxi., 539.

House Journal, p. 459.

A PETITION of Ebenezer Learned of Oxford, a Captain in both the Expeditions against Crown Point Setting forth that he carried his own Gun each time, & that three men of his company carried each man his own Gun the last year. & praying an allowance.

Read and

*Ordered* That there be allowed & paid out of the Public Treasury to Capta Edward Davis for the use of the Petitioner fifteen shillings & for the use of Elisha Rich, Thomas Rich, & Jonathan Sawing three shillings each for the use of their Arms mentioned. [*Passed April 20.*

## CHAPTER 574.

ORDER ALLOWING £8. 7. 10¼ TO THOS FOSTER, ESQ.

Legislative Records of the Council, xxi., 539. Mass. Archives, xxiii., 382[2].

Mass. Archives, xxiii., 382[2]. House Journal, pp. 436, 459. Province Laws, iii., 1061, note. *Ante*, p. 663, chap. 338.

A PETITION of Thomas Foster Esqr of Plymouth Setting forth that in June 1756, one Charles Muis & Family consisting of nine persons were permitted to go to Plymouth; that the Selectmen refusing to take care of them, the Petitioner undertook the charge, that the said Family would have been able to have maintained themselves had they continued in health, but it so fell out that they were all sick & one of the number died Therefore praying a reimbursement of his Expence upon them.

Read &

*Ordered* That there be allowed & paid out of ye public Treasury to ye Petitioner ye sum of Eight pounds seven shills & ten pence ¼d in full discharge of his Accot of Expences in supporting Charles Muis & family exhibited. [*Passed April 20.*

## CHAPTER 575.

VOTE ALLOWING SUBSISTENCE TO SOLDIERS ON THEIR RETURN HOME.

Legislative Records of the Council, xxi., 540.

*Voted* That the same Allowance be made to the Soldiers for their Subsistence on their Return from the Army to their respective homes the last year as was allowed on the Expedition against Crown Point in 1755 and on the same Conditions. [*Passed April 20.*

House Journal, p. 461. *Ante*, p. 585, chap. 137.

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## CHAPTER 576.

ORDER ALLOWING 56/7 TO TIM° PARKER.

A PETITION of Timothy Parker a Captain of the Forces sent up to reinforce General Johnson at Lake George in 1755, who also on the 18th of Feby 1756 he also received a Commission appointing him a Captain in the late Expedition Setting forth that in making up his first Muster Roll he made a mistake of fifty six shillings & seven pence and praying Releif, & that he may be likewise allowed the Sum of twenty six shillings & six pence for his travel to Boston & expence in making up his Muster Roll.

Legislative Records of the Council, xxi., 542. Mass. Archives, lxxvi., 678.

Mass. Archives, lxxvi., 677. House Journal, pp. 425, 459.

Read and

*ordered* that there be allowed & paid out of ye public Treasury to ye Petr ye sum of fifty six Shills & seven pence being ye difference of the Wages due to him for the time Mentioned. [*Passed April 20.*[1]

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## CHAPTER 577.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

ON THE PETITIONS of Thomas Temple & Others, Soldiers in the Crown Point Expedition in 1756 Praying an Allowance for sundry Expences incurred in the Service.

Legislative Records of the Council, xxi., 540.

*Ordered* That there be allowed and paid out of the Public Treasury to Joseph Buckminster Esqr for the use of Thomas Temple Five Pounds sixteen shillings; to James Russell Esqr for the use of Nathanael Adams Thirty four shillings & four pence; to William Lawrence Esqr for the use of Thomas Hartwell Seven Pounds seventeen shillings; To Thomas Foster Esqr for the use of Elijah Crooker twenty nine shillings and four pence; to Captn Ephraim Spaulding for the use of Benjamin Butterfeild forty eight shillings in full of the Expences in the last Expedition against Crown Point in their Petitions respectively mentioned. [*Passed April 22.*

Mass. Archives, lxxvi., 485, 566, 567. House Journal, p. 462.

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the date is April 22.

## CHAPTER 578.

ORDER ALLOWING £3 TO JAMES MAN.

Legislative Records of the Council, xxi., 540. Mass. Archives, lxxvi., 706.

A PETITION of James Man Setting forth that He was in the two Expeditions against Crown Point in 1755 and 1756, and was thereby intitled to half Pay in the intermediate time; but that the same was omitted in the Muster Roll therefore praying Releif.

Read and

Mass. Archives, lxxvi., 705. House Journal, pp. 425, 426, 457. *Ante*, p. 448, chap. 299; p. 695, chap. 416.

*Ordered*, That there be allowed & paid out of the public Treasury to the Petitioner the sum of three pounds in Consideration of the half pay he was intitled to on his entering into y^e^ service on y^e^ last Crown-point Expedition. [*Passed April 22.*

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## CHAPTER 579.

ORDER DIRECTING THE REMOVAL OF GLUDE BENUA AND FAMILY FROM NEWTON TO DEDHAM.

Legislative Records of the Council, xxi., 486, 541.

A PETITION of Henry Gibbs Esq^r^ of Newton Praying the Order of this Court respecting Glude Benua, his Wife and five Children, late Inhabitants of Nova Scotia, originally placed by this Government, & from thence sent to Oxford, but now resident in Newton, which Town having already the care of fourteen of said French People the said Gibbs prays in behalf of the Town of Newton that said Glude & his Family may be removed elsewhere. Which Petition being referred to the Committee of both Houses appointed on the Petition of Samuel Livermore Esq^r^ said Committee reported that the said French Persons be removed to the Town of Dedham.

Mass. Archives, xxiii., 281, 283. Legislative Records of the Council, xxi., 382, 387, 389. House Journal, pp. 288, 414, 415, 464. Province Laws, iii., 1061, note. *Infra*, chap. 580.

Read and accepted, and

*Ordered* That the said French Inhabitants be removed from the Town of Newton to the Town of Dedham at the charge of the Town of Newton, & that the Selectmen of Dedham receive the said French Persons, & govern themselves with regard to them according to Law. [*Passed April 22.*[1]

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## CHAPTER 580.

ORDER ON THE PETITION OF SAM^L^ LIVERMORE, ESQ^R^, FOR THE REMOVAL OF FRENCH FAMILIES FROM WALTHAM.

Legislative Records of the Council, xxi., 541.

A PETITION of Samuel Livermore Esq^r^ of Waltham Praying that Seven of the French Inhabitants of Nova Scotia placed at Waltham may be removed elsewhere, together with the Report of the Committee thereupon Read & accepted: &

Mass. Archives, xxiii., 387. Legislative Records of the

*Ordered* That the said French Inhabitants be removed from the Town of Waltham to the Town of Brookfeild at the charge of

[1] This date is according to Mass. Archives and the House Journal; according to Legislative Records of the Council the same order occurs under date of the 11th as well as the 22d.

the Town of Waltham & that the Selectmen of Brookfeild receive the said French persons, & govern themselves with regard to them according to Law. [*Passed April 22.*

Council, xxi., 477. House Journal, pp. 407, 464. Province Laws, iii., 1061, note.

## CHAPTER 581.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY URIAH THAYER THE WAGES OF HIS SON IN FULL AND 44/3 HALF PAY.

A Petition of Uriah Thayer Setting forth that his Son Eleazer Thayer was in the two Crown Point Expeditions in the years 1755 and 1756, and was by an act or order of this Court thereby intitled to half pay during the intermediate time; & also that his said Son died at Fort Edward in the last Expedition, & that by the best information his Gun was returned into the King's Stores, but that there is a deduction of Four Pounds from his said Son's Wages on Account of said Gun. And praying Releif.

Read and

*Ordered* That The Treasurer pay to Cap$^{t}$ Phineas Lovett for the use of y$^{e}$ Pet$^{r}$ the full of his Wages his Arms not being returned notwithstanding, Also the sum of forty four shillings & three pence in Consideration of the half pay he was intituled to on his entering into y$^{e}$ service on y$^{e}$ last Exped$^{n}$ ag$^{st}$ Cr$^{n}$ point. [*Passed April 22.*

Legislative Records of the Council, xxi., 541. Mass. Archives, lxxvi., 641.

Mass. Archives, lxxvi., 641. House Journal, pp. 444, 457, 458. *Ante*, p. 448, chap. 299; p. 695, chap. 416.

## CHAPTER 582.

ORDER ACCEPTING REPORT OF COMMITTEE FOR FARMING EXCISE FOR THE COUNTY OF NANTUCKET AND ALLOWING 24/8 FOR THE EXPENSE THEREOF.

Abishai Folger by order of the Committee for farming out the Excise on spirituous Liquors in the County of Nantuckett made report of their doings, & presented the account of their expence.

Read and

*Ordered* That this Report be accepted, & that there be allowed and paid out of the public Treasury to the said Committee the Sum of twenty four shillings & eight Pence in discharge of their account of time and expences exhibited. [*Passed April 22.*

Legislative Records of the Council, xxi., 543.

House Journal, pp. 466, 467. *Ante*, p. 663, chap. 336.

## CHAPTER 583.

ORDER DIRECTING THE PAYMENT OF BILLETING MONEY TO THE FORCES UNDER THE EARL OF LOUDOUN.

*Ordered* That the Province Treasurer without any delay pay the Forces raised by this Province to serve under the Right honourable the Earl of Loudoun, that part of the billeting money this Court have agreed to Provide, that so they may be enabled to march forthwith. [*Passed April 22.*

Legislative Records of the Council, xxi., 543.

House Journal, p. 468. *Ante*, p. 734, chap. 513.

## CHAPTER 584.

VOTE AND ORDER IN REGARD TO THE POLL TAXES OF SOLDIERS.

Legislative Records of the Council, xxi., 544.

House Journal, pp. 464, 465. *Ante*, p. 442, chap. 280.

WHEREAS an Order passed the Great and General Court the 18 Feb$^{y}$ 1756 in the following Words viz$^{t}$

*Voted* That such Officers & Soldiers as shall go into his Majesty's Service in the proposed Expedition against Crown Point shall not be taxed for their Polls, the present year, which Order has not been acted on.

Therefore

*Ordered*, That one or more of the Assessors of the several Towns or Districts which furnished such Officers and Soldiers upon their producing a Certificate under Oath to the Treasurer of the Province, that the persons therein named were actually in the Service shall receive an equivalent therefor out of the Public Treasury And that this order be lodged with the Treasurer for his direction accordingly. [*Passed April 22.*

## CHAPTER 585.

ORDER APPOINTING A COMMITTEE TO TAKE BONDS OF THE MANAGERS OF THE LOTTERY FOR GERMANTOWN.

Legislative Records of the Council, xxi., 544. Mass. Archives, xv$^{a}$., 263.

House Journal, pp. 471, 472. Province Laws, iii., 1053, chap. 41; 1086, note.

In the House of Representitives

*Ordered* That Sam$^{l}$ Welles & James Russell Esq$^{rs}$ with Such as the Hon$^{ble}$ Board Shall Joyn be a Comitte to take Bonds Agreeable to an Act Entituled an Act for raising a Sum of Money by Lottery for the Encouragement of the Settlem$^{t}$ Called Germantown in the Town of Brantree, And Lodge the Same with the Province Treasurer.

In Council

Read & Concur'd and Samuel Danforth is joined in the Affair. [*Passed April 22.*

## CHAPTER 586.

ORDER ALLOWING £83. 4 TO JOHN BRADSTREET, ESQ$^{R}$. ETC.

Legislative Records of the Council, xxi., 545. Mass. Archives, lxxiv., 225.

Mass. Archives, lxxiv., 223. Legislative Records of the Council, xx., 412. House Journal, pp. 249, 250 (February, (1755); pp. 429, 460, 464.

A PETITION of John Bradstreet Esq$^{r}$ Setting forth that he was Leiutenant Colonel of Sir William Pepperell's Regiment at the Seige of Louisbourgh in 1744, and that after the Reduction of the place he was appointed Town Major; also that he had a Vessell at Canso when it was taken, which was employed by the French to transport the English People from thence to Boston in which Service she went two or three times, & was told that he was to be paid by the English and French in equal halves, for all which he has received no consideration, save the Moiety for the hire of his Vessell which he received of the French & praying an Allowance for his said Services &$^{c}$ [Legislative Records of the Council, xx., 412.]

Read, &

*Ordered* That y^e^ Prayer of this Petition be so far granted as that there be allowed & paid out of y^e^ public Treasury to y^e^ Petitioner the sum of Eighty three pounds four shillings in full for fourteen Months service in the Expedition against Louisbourg. and as to his Demands for y^e^ Employment of himself & Vessell in transporting y^e^ English as mentioned, that the Consideration thereof be referred. [*Passed April 22.*

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## CHAPTER 587.

ORDER ALLOWING £24. 15. 5 TO JONATHAN FESSENDEN.

A Petition of Jonathan Fessenden of Braintree Setting forth that he was a hired man in Capt^n^ Blakes Company in the Crown Point Expedition in 1756, but was promised a Leiutenants Commission in case he would inlist a number of men, which he accordingly did, & the commission was granted him when he arrived at the Half moon, & that he did the Duty of a Leiutenant, & was obliged to be at a proportionably greater Expence by reason of his sustaining that rank, but that in the Muster Roll he was made up only as a common Soldier Therefore Praying Releif.

Legislative Records of the Council, xxi., 545. Mass. Archives, lxxvi., 657.

Mass. Archives, lxxvi., 656. House Journal, pp. 446, 469.

Read and

*Ordered* That there be allowed & paid out of y^e^ public Treasury to Roland Cotton Esq^r^ for the use of y^e^ Memorialist the sum of twenty four pounds fifteen Shillings & five pence in full of his pay as made up in the Roll of y^e^ Company he belonged to. [*Passed April 22.*

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## CHAPTER 588.

VOTE TO CHOOSE COLLECTOR OF EXCISE ON TEA, &^c^, FOR THE COUNTY OF SUFFOLK.

Whereas the Committee for farming the Excise on Tea &^c^ in the County of Suffolk have found it impracticable to dispose of it to the Value.

Legislative Records of the Council, xxi., 546.

Therefore

*Voted* That a Collector of said duty be chosen & Commissioned, who shall be under oath, have & Exercise the same powers, as by Law the Farmers of said Excise in the other Counties have & enjoy, & be accountable to this Court for his Collections, & receive five ℔ Cent as a Reward for his Service the choice to be made by the two Houses to morrow morning at ten o'clock. [*Passed April 22.*

House Journal, pp. 471, 474. Province Laws, iii., 1063, note. *Ante*, p. 612, chap. 203.

## CHAPTER 589.

ORDER ALLOWING £100 TO THE COMMISSIONER OF STAMP DUTIES.

Legislative Records of the Council, xxi., 548. Mass. Archives, ciii., 570.

House Journal, p. 437. Province Laws, iii., 793, chap. 18.

*Ordered*, That there be allowed and paid out of the Public Treasury to James Russell Esq[r] Commissioner of the Stamp Duties the sum of One hundred Pounds in Consideration of his Services and Expences in his said Office the Year past and during the Continuance of the Stamp Act. [*Passed April 22.*

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## CHAPTER 590.

VOTE IMPOWERING CAPT PHINEAS LOVET TO DEMAND ARMS OF ROBERT & STEPHEN COOK ETC.

Legislative Records of the Council, xxi., 548.

House Journal, p. 468.

IN THE HOUSE OF REPRESENTATIVES Whereas Information has been made to this House that Robert Cook & Stephen Cook of Wrentham inlisted the last year in the Expedition against Crown Point, & never joined the Army, but took out their whole Bounty, Arms &[c]

*Voted* That Capt[n] Phineas Lovet of Mendon be directed & impowered to demand the Arms of said Robert & Stephen Cook, & upon their Refusal to make application to some Justice of the Peace in the County for a Warrant to take the Arms wherever they may be found, as also to apprehend the said Robert & Stephen Cook & carry them before some Justice of the Peace in the County where they or either of them may be found that they may be examined as to their deserting the Service under Capt[n] Nathan Tyler into whose Company they inlisted, as also concerning the Bounty, Blanketts or whatever else they have received of the Province, & may be proceeded with according to Law.

In Council Read and concurred. [*Passed April 22.*

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## CHAPTER 591.

ORDER DIRECTING THE PROVINCE TREASURER TO ADVANCE ONE MONTHS WAGES TO COMMISSIONED OFFICERS UNDER THE EARL OF LOUDOUN.

Legislative Records of the Council, xxi., 549. Mass. Archives, lxxvi., 710.

Mass. Archives, lxxvi., 708. House Journal, pp. 467, 469. Province Laws, iii., 1080, note.

A MEMORIAL of the Officers now in the Service of this Province for the intended Expedition to serve under the Right honourable the Earl of Loudoun Setting forth that they have been at great expence in cloathing themselves & in collecting the Troops &[c] And praying that they may be allowed such pay as will enable them to act with credit, & in character as becomes the Officers of the Province.

[Read and]

*Ordered*, That the Prayer of this Memorial be so far granted as That the Province Treasurer be & hereby is directed to advance one Months Wages to each of the Commission Officers going with y[e] forces raised by this Province to serve under the right hon[l] y[e] Earl of Loudoun. [*Passed April 22.*

## CHAPTER 592.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES OF JOHN BREEDEN IN FULL.

A Petition of Elisabeth Breeden of Malden Setting forth That her late husband John Breeden went as a Soldier in the Crown Point Expedition the last year; that he was taken sick on the Road & returned home & was at thirteen shillings & four pence expence for a Doctor. That upon his Recovery he went & joined the Army, & died at Fort Edward. That his Gun was returned into the Fort by Leiutenant Lindsey, but that Four pounds was deducted from his Wages on account of said Gun. And praying Releif.

[Read and]

*Ordered*, That the Treasurer pay to M^r^ Benjamin Hills for the use of the Petitioner the full Wages of y^e^ said John Breeden, his Arms not being returned notwithstanding. [*Passed April 22.*

Legislative Records of the Council, xxi., 549. Mass. Archives, lxxvi., 690.

House Journal, p. 471.

## CHAPTER 593.

VOTE ALLOWING £18 TO CAPT^N^ BENJ^A^ NEWHALL.

A Petition of Benjamin Newhall, Captain of the second military Foot Company in Lynn Setting forth That sundry Soldiers in his Company did not appear at the General Muster ordered on the 22^d^ day of March last; and that he has expended eighteen pounds for hiring men to go in the Expedition, & praying that he may be reimbursed said Sum out of the Fines of the aforesaid Delinquents.

[Read and]

*Voted* that that[1] the Prayer of the Petition be granted; and that the Petitioner be, & hereby is, authorized and impowered to receive & retain to his own use out of the fines which shall be recovered by his Clerk of those Delinquent soldiers which did not appear at the General muster on the 22^nd^ day of March last the Eighteen pounds mentioned. which he has advanced for hiring soldiers for the Present Expedition and the overplus (if any there be) to be applyed as by Law is already provided he the Said Newhall to render an acco^t^ of his proceedings herein to the Treasurer of the Town of Lynn agreeable to Law. [*Passed April 22.*

Legislative Records of the Council, xxi., 550. Mass. Archives, lxxvi., 597.

Mass. Archives, lxxvi., 596. House Journal, pp. 467, 468. Province Laws, iii., 1024, chap. 23.

## CHAPTER 594.

ORDER DIRECTING JOHN M^c^KETHNEY TO ATTEND THE GENERAL COURT.

*Ordered* That John M^c^Kethney of S^t^ Georges be directed to attend the General Court on the second Friday of the next May Sessions to give evidence in the Affair of Capt^n^ John North, Commanding Officer at Pemaquid Fort. [*Passed April 22.*

Legislative Records of the Council, xxi., 550.

Legislative Records of the Council, xxi., 462. House Journal, p. 469.

[1] *Sic.*

# CHAPTER 595.

ORDER DIRECTING THE PROVINCE TREASURER TO EXCHANGE PROVINCE BILLS FOR DIVERS PERSONS.

Legislative Records of the Council, xxi., 550. Mass. Archives, ciii., 264, 301, 563. House Journal, pp. 377, 449.

House Journal, pp. 377, 449, 469, 470. Province Laws, iii., 430, chap. 15.

THE PETITION of Josiah Quincy of Braintree humbly sheweth that your Petitioner upon opening a private Draw of his Scrutore the last Evening the inside of which he had not seen since the Act took place for the Exchange of the Paper Currency he there found forty pounds Old Tenor Eight pounds in Rohde Is$^{d}$ Cur$^{cy}$ and thirty two pounds in Bills of Credit of this Province of which without the aid and assistance of the Hon$^{ble}$ Court your Petitioner must lose the Benefit

Your Petitioner therefore humbly prays that as he has been guilty of no Breach Neglect or Contempt of the good and wholesome Laws and orders of the Gov$^{t}$ respecting the drawing in & exch$^{g}$ s$^{d}$ Bills which makes his Case peculiar. Your Excellency & Honours woud be pleased to direct the Province Treasurer to exchange your Petitioners Bills abovemention'd which are of this Province or otherwise relieve him as to your Excellency and Honours in your great Wisdom shall seem meet and Your Petitioner as in Duty Bound shall ever Pray. JOS$^{A}$ QUINCY

The Petition of Nathaniel Cunningham of Cambridge in the County of Middlesex. merch$^{t}$ Humbly sheweth.

That your petition$^{r}$ having Occasion about a month agone to Open a Quantity of Money that Lay by him wrapt up in a paper, found Among the rest a Bundle of paper Bills of Credit on this Province, amounting to £101.14.8. old tenor your petition$^{r}$ also Found by a paper wraped up with the Bills, that he had received the same, with some Gold of One M$^{r}$ Fitch of Boston, about Two years & a half Since & wrapping them up with s$^{d}$ Gold, laid them in his Desk, and by that means forgot them & Lost the Benefit of Changing them, Wherefore as s$^{d}$ Bills were Kept, not willfully nor with any Design of Disobedience to the Act of the Governm$^{t}$ But by meer Accident and Mistake & your petition$^{r}$ is ready to swear y$^{t}$ he never once saw or thought of 'em from the time he receiv$^{d}$ them, till about a month since, y$^{r}$ Petition$^{r}$ prays your Excellency & Hon$^{rs}$ to order a Redemption of S$^{d}$ Bills & y$^{r}$ Petion$^{r}$ shall ever pray &C.

J OTIS Att$^{y}$ for y$^{e}$ Pet$^{r}$

A Petition of *Sarah Daws* of *Boston*, in the County of *Suffolk*, Administratrix on the Estate of *Thomas Daws*, late of said *Boston*, deceased, shewing that on the 23d of this Instant, she found in a Closet of the Deceased, and in the Bottom of a Leather Chair there, two Pocket-Books belonging to the said Deceased, which had in them *two Hundred and thirty six Pounds* old Tenor, in Bills of this Province; that the said *Thomas* dyed the 18th of *March* 1749, very suddenly; that the Petitioner apprehends he had laid by the said Bills in order to exchange the same, but was prevented by his sudden Death; she therefore prays the Province Treasurer may be directed to exchange the said Bills upon satisfactory Evidence of the Facts aforementioned.

A Petition of *Isaac Merrill* of *Almsbury*, in the County of *Essex*, Esq; setting forth, that a Neighbour of his, since the Time allowed for exchanging Paper Bills, accidentally found a small Parcel of them wrapped up in an old cancelled Bond, which he had entirely

forgot; and praying that the Treasurer may be allowed to exchange them, the Time limitted for that Purpose being elapsed notwithstanding.

[Read and]

*Ordered*, That the Province Treasurer be and hereby is directed to pay the amount or value of the province Bills of Credit mentioned in the Petitions of Josiah Quincy, Nath[l] Cunningham Sarah Daws & Isaac Merrill to the said Pet[rs] or their Order respectively, on their delivering said Treasurer the Bills aforesaid: Also that the Treasurer be directed to pay to Thomas Foster Esq[r] or Order eleven shillings & one peny for four pounds three Shillings Old Tenor Bills he is possessed of, and five pounds five Shillings & ten pence to Stephen Maynerd or Order for thirty nine pounds fourteen Shillings in his possession of the same tenor Bills, and thirty four Shill[s] & three pence to Caleb Cushing Esq[r] or order for twelve pounds sixteen Shillings & ten pence, of like Old Tenor Bills belonging to him, they each one delivering to the said Treasurer the respective sums mentioned in Old Tenor province Bills or other Bills of this Province or other Bills of this Province equivalent. [*Passed April 22.*

## CHAPTER 596.

ORDER ALLOWING £5. 15 TO ASHBELL HOPKINS.

A Petition of Asahel[1] Hopkins of Harrington in the Colony of Connecticut Setting forth That he inlisted for the Crown Point Expedition in 1756 in Col[o] Dwights Regiment & Company, that he officiated for some time as Clerk, before the Forces marched, but that he was afterwards taken ill of a Fever and Ague which held him the greatest part of the Summer and prevented his joining the Army; that in October he received orders from his Colonel to provide Necessarys at Sheffeild for the Sick on their return home which he accordingly performed That the same was made up in the Roll when the Expedition was over for a time as Clerk; but that the same was disallowed inasmuch as he did not join the Army Therefore praying Releif.

Legislative Records of the Council, xxi., 551. Mass. Archives, lxxvi., 603.

Mass. Archives, lxxvi., 601. House Journal, pp. 466, 468.

Read &

*Ordered* that there be allowed & paid out of the Publick Treasury to the Pet[r] Three months wages. amounting to five pounds fifteen Shillings in full of his Service &[c] as in his petition mentioned. [*Passed April 22.*

## CHAPTER 597.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS PERSONS.

On the Petitions of John Rice & Others praying for allowances of certain Expences incurred on the Crown Point Expedition in 1755

Legislative Records of the Council, xxi., 552.

*Ordered* That there be allowed & paid out of the Public Treasury to Moses Marcy Esq[r] for the use of John Rice the Sum of three Pounds; to Capt[n] Ithamer Hubbell for the use of Meriam Olds, thirteen shillings & six pence: to Capt[n] Phineas Lovett for the use

Mass. Archives, lxxvi., 163, 164, 469; lxxvii., 7. Executive

[1] Mass. Archives, lxxvi., 602, reads, "*Ashbel Hopkins.*"

Records of the Council, xiii., 235. House Journal, p. 470.

of Uriah Thayer forty shillings & to Capt[n] Ephraim Spaulding for the use of Timothy Clement thirty shillings in full consideration of the Expences in 1755 on the Expedition against Crown Point in their respective Petitions mentioned. [*Passed* April 22.*

## CHAPTER 598.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY £6 EACH TO SAMUEL FREEMAN AND JAMES WARD.

Legislative Records of the Council, xxi., 553. Mass. Archives, lxxvi., 714.

House Journal, pp. 385, 391, 470. *Ante*, p. 304, chap. 345.

A PETITION of Samuel Freeman and James Ward both of Sturbridge in the County of Worcester Setting forth That the said James on the first day of October 1755 inlisted in the Crown Point Expedition; & that Jonathan Willard a Servant to said Samuel inlisted at the same time, being promised the like bounty as those had who inlisted in the Spring; but that they have never received it And praying to be allowed therefor, they having likewise found their own Arms and Ammunition.

Read and

*Ordered* That the Treasurer pay to the Pet[rs] six Dollars each in Consideration of their Bounty Money & finding ther own Arms as Mentioned. [*Passed April 23.*

## CHAPTER 599.

ORDER ALLOWING £6. 3 TO CAPT[N] THOMAS CLAP.

Legislative Records of the Council, xxi., 553. Mass. Archives, lxxvi., 564.

House Journal, pp. 467, 470.

A PETITION of Thomas Clap,[1] Captain in the late Crown Point Expedition Setting forth that on the 6[th] day of May last he lead his Company into Boston to be mustered, that three days after he received General Winslow's orders to march, which he accordingly did, having first been obliged to pay Nine pounds fifteen shillings & eight pence for the billeting of his Soldiers in Boston. And praying an Allowance.

Read and

*Ordered* That there be allowed & paid out of y[e] public Treasury to Thomas Clap Esq[r] for y[e] use of y[e] Pet[r] the sum of Six pounds three Shill[s] in full for y[e] Billeting Mentioned. [*Passed April 23.*

## CHAPTER 600.

ORDER ALLOWING AN ASSISTANT COMMISSARY TO FORCES UNDER THE EARL OF LOUDOUN.

Legislative Records of the Council, xxi., 555.

House Journal, p. 472.

*Ordered* that the Commissary to the Forces raised by this Province for his Majesty's Service under the Command of the Right honourable the Earl of Loudoun be allow'd an Assistant who shall receive three pounds ℔ month wages for his said Service. [*Passed April 23.*

[1] The House Journal, pp. 467, 470, reads, "*John Clap.*"

## CHAPTER 601.

ORDER DIRECTING THE COMMITTEE OF WAR TO SUPPLY THE COMMISSARIES WITH SUNDRY ARTICLES FOR THE SOLDIERS.

WHEREAS this Court have directed the Committee of War to furnish the Commissary of the Forces of this Province under the Command of the Earl of Loudoun with such Articles as they shall apprehend will be for the Service & comfort of the Soldiers.

Legislative Records of the Council, xxi., 556.

House Journal, p. 477.

*Ordered* That the Committee of War be directed & impowered to agree for such Articles upon the best terms they can; to be paid for out of the next Supply of the Treasury; and that such of the Soldiers who may be supplyed with Cloathing or any other Articles, shall be charged therewith by the Commissary at the prime cost with a reasonable allowance for the charge of transportation; the amount of which shall when the Muster Rolls are made up be carried out in the Commissary Columns and deducted from their Wages accordingly. [*Passed April 25.*

*Ante*, p. 747, chap. 543.

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## CHAPTER 602.

ORDER FORBIDDING IMPRISONMENT FOR DEBT OF SOLDIERS IN THE SERVICE.

WHEREAS it is of the Utmost Importance, That the several soldiers Impress'd inlisted or hyred into his Maj$^{tys}$ service for the intended Expedition under the Comand of the right hon$^{ble}$ the Earl of Loudon be not detained or hinder'd in their proceeding on the same

Legislative Records of the Council, xxi., 557. Mass. Archives, lxxvi., 722.

House Journal, pp. 477, 478, 480. Province Laws, iii., 1080, note.

It is therefore

*Ordered*, That no person be taken out of the service by any process (unless it be for some criminal matter) for any Debt, that was not Contracted before the Twenty Second day of February last & in case any person in the Service afores$^{d}$ be arrested for any such Debt, & service made on the body the Creditor Shall before such person is comitted make oath before one of his Maj$^{ties}$ Justices of the peace in the County, That the Debt was actualy contracted before the s$^{d}$ Twenty Second day of February & was for a true & valuable Consideration It is also further

*Ordered* That if any Soldier is already Comitted for a Debt contracted since the s$^{d}$ 22$^{d}$ day of Feb$^{ry}$ The Sheriff of the County, where The Comittment is made, shall forthwith discharge such soldier. [*Passed April 25.*

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## CHAPTER 603.

ORDER APPOINTING A COMMITTEE TO EXAMINE FORTS, ETC. AT WEST HOOSUCK.

A PETITION of Seth Hudson Commanding Officer at West Hoosuck Praying that the Committee appointed on the Petition of Josiah Horsford & Others on the 11$^{th}$ of January last, be directed to repair to West Hoosuck, & veiw its Situation & Circumstances,

Legislative Records of the Council, xxi., 557. Mass. Archives, cxvii., 288.

Mass. Archives, lxxvii., 405; cxvii., 400, 405. House Journal, pp. 70, 428, 478, 479. *Ante*, p. 628, chap. 246; p. 680, chap. 388.

as it is the most exposed of any of the Western Frontiers, and the properest place to make a stand against the Enemy and that the Court would do something for their encouragement.

In Council Read &

*Ordered* that Timothy Woodbridge Esq$^{r}$ of Stockbridge with Such as the Hon$^{be}$ House shall joyn be a Com$^{tee}$ to take the Petition above referr$^{d}$ to into Consideration Repair to Hoosek, to Examine the State of the Forts there, & Consider whether it be most Expedient to Repair Fort Massachuset, to keep a Garrison there, & at the Block House, or to build Elswhere; That the S$^{d}$ Com$^{tee}$ enquire into the Facts alledg$^{d}$ Hear the Partys, and they are hereby Impowered to take Evidence relative thereto on oath.

In the House of Rep$^{s}$

Read and Concurred, and Col$^{o}$ Marcy & Cap$^{t}$ Livermore are joined in the Affair. [*Passed April 25.*

## CHAPTER 604.

ORDER ALLOWING 45/8 TO SARAH WALKER.

Legislative Records of the Council, xxi., 558. Mass. Archives, lxxvi., 444.

House Journal, p. 479.

A PETITION of Sarah Walker Setting forth that her late Husband Hezekiah Walker was an inlisted Soldier in the Crown Point Expedition in 1755; that he came home sick & died soon after and praying to be allowed her Expences for a Docter, Nurse, & some Necessaries. Also praying an Allowance for billetting on his Return.

Read and

*Ordered*, That there be allowed & paid out of y$^{e}$ public Treasury to W$^{m}$ Richardson Esq$^{r}$ for the use of the Pet$^{r}$ the sum of forty five Shillings & eight pence in full consideration of y$^{e}$ Expences mentioned. [*Passed April 25.*

## CHAPTER 605.

Legislative Records of the Council, xxi., 558.

House Journal, p. 478. Province Laws, iii., 1081, note. *Ante*, p. 764, chap. 591.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY WAGES IN ADVANCE TO OFFICERS OUT OF APPROPRIATION FOR GRANTS.

*Ordered* That the Treasurer be & he is here directed to pay the one months advance Wages ordered to be paid each Commission Officer on the intended Expedition out of the Appropriation for Grants. [*Passed April 25.*

## CHAPTER 606.

VOTE IN REGARD TO TRANSPORTATION OF OFFICER'S BAGGAGE.

Legislative Records of the Council, xxi., 558. Mass. Archives, lxxvi., 713.

House Journal, p. 471. *Ante*, p. 443, chap. 282.

THE BAGGAGE belonging to Col$^{o}$ Frye & his Officers being put on board one of the Transports taken up by the Earl of Loudoun's Agent;

*Voted* that the Com$^{tee}$ of War be directed to give orders to some person in New-York to Assist in Transporting the Same to Kenderhook & to pay the charge thereof, if any.[1] [*Passed April 25.*

[1] Signed by 14 of the Council.

## CHAPTER 607.

ORDER DIRECTING THE PROVINCE TREASURER TO PAY THE WAGES OF ADONIJAH RICE IN FULL.

A Petition of Elisabeth Rice & Others, Heirs of Adonijah Rice of Rutland a Soldier in the Crown Point Expedition in 1756 Setting forth that said Adonijah's Gun was stolen during his Sickness near Albany And praying that they may be allowed to receive Four pounds out of the Treasury which was stopped out of the deceaseds Wages on account of said Gun.

Legislative Records of the Council, xxi., 559. Mass. Archives, lxxvi., 694.

Read &

*Ordered* That the Treasurer pay to John Murray Esq$^{r}$ for the use of y$^{e}$ Petit$^{rs}$ the full Wages of y$^{e}$ said Adonijah Rice, his Arms not being returned Notwithstanding.[1] [*Passed April 25.*

Mass. Archives, lxxvi., 693. House Journal, p. 478. *Ante*, p. 695, chap. 416.

## CHAPTER 608.

ORDER ALLOWING SUNDRY AMOUNTS TO DIVERS OFFICERS OF LATE CROWN POINT EXPEDITION.

A Memorial of John Winslow Esq$^{r}$ General of the Forces raised in 1756 for the defence & protection of his Majesty's Territories near Lake Champlain and places adjacent, & for removing the French from their Encroachments already made there In behalf of the General Staff Officers of said Forces. Setting forth that General Shirley from whom they received their Commissions did establish the Pay for a Quarter Master and Adjutant General each ten pounds ℔ month, of which this Province voted to pay their Proportion with the other Governments; but that the rest of the General Staff Officers have no Establishment, and having done their duty faithfully, pray to be heard & retaliated for their Services.

Legislative Records of the Council, xxi., 559. Mass. Archives, lxxvi., 612.

Read and

*Ordered*, That there be allowed and paid out of the Public Treasury to M$^{r}$ Ralph Gulston Waldo the sum of five pounds eight shillings ℔ month from the Date of his Commission to the time of the Dismission of the Forces, reckoning also y$^{e}$ time for his return home as allowed to others:

Also y$^{t}$ y$^{re}$ be allowed & paid to M$^{r}$ Henry Leddel nine pounds ℔ month from y$^{e}$ Date of his Commission till the 22$^{d}$ of April Current in full for his Services:

Also y$^{t}$ M$^{r}$ John Pierce be paid as a Lieut$^{t}$ for his Care of the stores from the time of the Dismission of the Forces at Lake George so long as he may be necessarily detained in that service:

Also That M$^{r}$ Jeremiah Hall be paid the sum of three Pounds for one month's service in taking Care of the Hospital. And

As to the other Officers they having received pay from the respective Governm$^{ts}$ by whom they were employed in different Capacities;

*Voted* That no further allowance be made them. [*Passed April 25.*

Mass. Archives, lxxvi., 611, 613. House Journal, pp. 344, 345, 403, 455. *Ante*, p. 522, chap. 482.

[1] Signed by 13 of the Council.

## CHAPTER 609.

ORDER ALLOWING TO DOCTOR MILES WHITWORTH HIS WAGES IN FULL.

Legislative Records of the Council, xxi., 560. Mass. Archives, lxxvi., 720.

House Journal, p. 479 *bis*. *Ante*, p. 726, chap. 489.

A MEMORIAL of Doctor Miles Whitworth Setting forth That He was appointed Surgeon to the 1,800 Men raised for the intended Expedition, on the 15th day of February last, by his Honour the Leiutenant Governor, whom it pleased God to take away before the Memorialist received his Commission. And as he has been upon duty ever since his Appointment Praying that he may be allowed Pay from the 15 February to the date of his Commission.

Read and

*Ordered*, That the prayer of this Memorial be granted, & that the Memst be allowed to be made up in the Muster Roll from the 15th of Feb: last, the Date of his Commission Notwithstanding. [*Passed April 25.*

## CHAPTER 610.

ORDER DIRECTING THE REMOVAL OF FIVE FRENCH NEUTRALS FROM NEEDHAM TO WRENTHAM.

Legislative Records of the Council, xxi., 560. Mass. Archives, xxiii., 396.

Mass. Archives, xxiii., 395. House Journal, p. 479. Province Laws, iii., 1061, note.

A PETITION of Amos Fuller of Needham Setting forth that there are twelve of the French Inhabitants of Nova Scotia placed there, and as the Town is very small Praying that they may be removed elsewhere.

Read and

*Ordered*, That five of ye french Inhabts late of Nova Scotia be removed from the Town of Needham to the Town of Wrentham at the Charge of the Town of Needham, & that the Select Men of the Town of Wrentham receive the said French persons & govern themselves with regard to them According to Law. [*Passed April 25.*

## CHAPTER 611.

ORDER ALLOWING 27/4 TO ELY PRICHARD.

Legislative Records of the Council, xxi., 561. Mass. Archives, lxxvi., 185.

Mass. Archives, lxxvi., 184. House Journal, p. 479.

A PETITION of Ely Prichard,[1] a Soldier in the last Expedition against Crown Point. Setting forth that on his return home he was taken very ill, & praying an Allowance of the Expence occasioned thereby.

Read and

*Ordered* That there be allowed & paid out of ye Public Treasury to Mr Thos Clarke for ye use of ye Petr the sum of twenty seven Shills & four pence in full Consideration of ye Expences Mentioned. [*Passed April 25.*

[1] The House Journal, p. 479, reads, "*Elizabeth Prichard.*"

## CHAPTER 612.

ORDER ALLOWING £4 TO EZRA BULLARD AND 40/ TO TIMOTHY CALLAHAM.

On the Petitions of Ezra Bullard & Timothy Callaham. Legislative Records of the Council, xxi., 561.

*Ordered* That there be allowed & paid out of the Public Treasury to Capt[n] Nathanael Sumner for the use of Ezra Bullard four Pounds, & for the use of Timothy Callaham forty shillings in full discharge of the Expences on the late Crown Point Expedition in said Petitions mentioned. [*Passed April 25.* Mass. Archives, lxxvi., 594, 688. House Journal, p. 480.

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## CHAPTER 613.

ORDER IMPOWERING SARAH HUMPHREY TO SELL REAL ESTATE.

A Petition of Sarah Humphry & Others Heirs of Ebenezer Humphry of Hingham deceased. Praying liberty to sell a small Tenement & three Acres & an half of Land the Estate of the deceased, & to distribute the produce among the Heirs. Legislative Records of the Council, xxi., 561. Mass. Archives, xix., 516.

Read and

*Ordered* that the prayer of this Petition be so far Granted as that the said Sarah Humphrey be and she hereby is authorized & impowered to make Sale of the House and Lands within mentioned and to make and execute a good and sufficient Deed or Deeds thereof she attending the Law respecting the sale of Real Estates by Executors & Administrators and giving sufficient Caution to the Judge of probate for the County of Suffolk for applying the neat produce thereof agreeable to Law. [*Passed April 25.* Mass. Archives, xix., 515. House Journal, p. 478. Province Laws, ii., 151, chap. 10.

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